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ONE-HUNDRED THIRTIETH COUNCIL

BOB O'CONNOR.....President
LINDA M. JOHNSON-WASLER.....City Clerk
JOHN A. MASCIO.....Deputy City Clerk

Pittsburgh, PA
Tuesday, July 7, 1998

PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Diven	Mr. Ricciardi
Mr. Ferlo	Mr. Udin
Mr. Hertzberg	Mr. O'Connor
Ms. McDonald	(Pres't)

The Chair:

Will we all please stand for the pledge of allegiance and please remain standing for a moment of silent prayer for peace and hope throughout the world.

If you have a moment to remember in your prayers Roy Rogers who passed away yesterday. He was actually a dear old friend of mine.

For those of you who don't know, I

ran the Roy Rogers Restaurant chain for over 20 years. Actually we brought Roy Rogers here in 1969 to Pleasant Hills and Monroeville and our last visit, I believe, Councilman Ferlo was a Council member. We had him down at 5th and Wood. Mayor Caliguiri gave him the key to this city and he was the honorary of the parade, Grand Marshal of Pitt's 200th Anniversary parade.

He really was a true champion and a hero to so many. What you're reading in the paper and hearing on TV and I see that President Clinton had some remarks, trust me for a guy who knew him, everything you read is true and even more.

When I met with him after we spent three days his last visit here going to hotels after a busy day, he was a regular guy. But he really was concerned about the kids and especially those handicapped and mentally challenged youngsters. He did a lot for them. He adopted kids. He really is a legend and he will truly be missed.

I want to thank him and say happy trails to him and his family and hopefully you will remember him in your prayers.

We have with us Shauna Kavanagh, who is nine years old in the 5th grade and she's from Ireland. She is going to say the pledge for us.

Shauna Kavanagh:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all.

The Chair:

Can I request we break tradition a minute? Shauna, I would like you to say it by yourself. You don't hear that accent and brogue so much. Why don't we let you say it again?

Shauna Kavanagh:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all.

The Chair:

We want to give you a flag of our country and our city. Thank you for coming down.

The Chair:

My grandfather had the same brogue, he had the same thing. We have many special guests.

PRESENTATIONS

Mr. Diven:

At this time the guests from Ireland and their host families. I guess since Shauna has done such a great job with the pledge of allegiance, we need to make her an honorary citizen of the City of Pittsburgh. As well as the others that have come over.

It's a great honor for me to bring these children in with their hosts; all five children are from families whose fathers are political prisoners in Northern Ireland.

This is a great program where they bring these kids over for five weeks during the summer to try to give them a break from some of the troubles in Northern Ireland. With that I would like to read the proclamation that we have prepared for today.

MR. DIVEN PRESENTS:

No. 603 WHEREAS, the Irish Political Prisoners Children's Holiday (IPPOCH) was organized in 1983 to provide an enjoyable, wholesome and safe four week vacation in the United States for children of Irish Political Prisoners and,

WHEREAS, the IPPCH children between the ages of eight and fourteen in Ireland are matched with sponsor families in several regions of the United States and,

WHEREAS, the IPPCH believes that these children deserve the opportunity to "Be A Child" without fear or retribution and heal some of the scars inflicted upon their young lives.

NOW THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh does hereby welcome Joanne Kavanagh, Rachael Kavanagh, Shauna Kavanagh, Stacey Claffery and Aran McGarrigle to the United States and to our great city of Pittsburgh and extends it's best wishes for a bright and peaceful future.

MR. COHEN moved to adopt the resolution.

MR. FERLO seconded the motion.

Which motion prevailed.

Mr. Diven:

With that I would like to call up Bobby Getty, he's a good friend of mine from the Fourth Council District and ask him to say a few words.

Mr. Getty:

I am not much of a public speaker. I would like to thank Council for all your support and Tom Flaherty and everyone in the city for welcoming the children here. Now, Fionnan O'Shea will say a few words.

Mr. O'Shea:

Okay I will try to keep this brief. These children are in America because one of their parents or both of their parents are in prison because of legal defense. In 1969 the national (inaudible) of Ireland asked the British Government and a lot of this regime for civil rights and the civil rights were denied. This (inaudible) turned to armed struggle because of the attitude and reaction that they got from the Lawyer's Regime and the British Government.

I find it very ironic that the young Shauna Kavanagh whose father spent time in jail for legal defense read in the proclamation here, liberty and justice for all. The (inaudible) people in Northern Ireland are still waiting for that liberty, justice for all. The people of (inaudible) who are underseiged from the fascist lawyers are still waiting for their liberty and justice for all.

In fact from the (inaudible) there is another program called Children's Project. They bring children over to America. I got an update this morning, 14 children meant to travel to America this morning were Project children were prevented from leaving the area by an orange order protest. Community workers had to put the children in five private cars, add seven cars for protection, to drive the children safely to Belfast to get their plane.

It is absolutely amazing. They needed seven -- a group of children coming to America like these children here needed seven cars of (inaudible) to drive them through this gauntlet of bigots to get to a holiday in America. Seven cars of autos to protect five cars of children. I just hope I live for the day that we will no longer need the (inaudible) and no longer need Project Children.

I would like to thank Councilman Diven for the opportunity he has given to these children. Thank you.

Mr. Diven:

In addition, I also would like to thank the other host families for taking the time to take a child into your home for the summer and give them the opportunity to enjoy the City of Pittsburgh and our region.

We have in addition to Bobby Getty and Fionnan, we have Bernadette Hughes, Jean Kaniecki, Helen Flood chaperone. So thank you for taking the time to bring these children over. I am sure you will make great hosts in showcasing everything that the City of Pittsburgh has to offer to visitors from around the world. I hope you guys enjoy

yourself while you stay here. Thank you for coming down.

Mr. Ferlo:

I would like to ask our City Controller, Tom Flaherty to come forward and our special guest, a good friend, Sam Wright, Gill Martinez, if you would like to join us also.

We have a gentleman in the audience today, an old friend of mine, someone who has recently been honored by the Pittsburgh Courier and the minority enterprise corporation. I thought it was also appropriate and Mr. Flaherty has also asked to be here to present a similar proclamation.

MR. FERLO PRESENTED:

No. 604 WHEREAS, Samuel J. Wright, Jr. is the owner of W & W Demolition & Excavation; and

WHEREAS, Sam Wright has a long history of productive work in the demolition industry, a tradition handed down to him from his grandfather; and

WHEREAS, W&W Demolition has been a successful minority owned and operated enterprise whose accomplishments include the completion of demolition projects of all sizes including the recent demolition of the old YWCA building in Homewood and the ground breaking for a brand new YWCA facility at the same location; and

WHEREAS, Sam Wright has operated his business in a way displaying the utmost integrity and community involvement as noted by his employment

practices which have focused on hiring youth seeking quality labor experience and individuals who have been in trouble in the past and have come to him seeking a second chance and a new opportunity to prove themselves; and

WHEREAS, W&W Demolition is MBE certified and an equal opportunity employer; and

WHEREAS, Sam Wright and W&W Demolition was presented on Monday, June 29th with an Outstanding Business Achievement Award by the Minority Enterprise Corporation and the New Pittsburgh Courier;

NOW, THEREFORE, LET IT BE RESOLVED, that the Pittsburgh City Council does hereby declare Tuesday, July 7, 1998 to be Samuel J. Wright Day in the City of Pittsburgh.

MR. COHEN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Ferlo:

Before I get Sam up here, we are very pleased to have our City Controller Tom Flaherty here. He has been very active in the past on a number issues effecting NBE companies in the City of Pittsburgh. I know sometimes the focus here is the fact that Sam happens to be a successful entrepreneur and happens to be somebody who represents the minority business.

But it is the case that this is a business that competes with any minority company in the City of Pittsburgh or anywhere else. I think Sam is very proud of that not only as academic educational engineering background, but his practical skill background of being able to take down a building of any size safely and securely and at a profit for himself and for the community.

I think it's also important to note that we have a lot of talented local based, Pittsburgh businesses that still today are not fully afforded an equal opportunity. I was a little bit upset to learn even in the demolition work of Pennley Park Apartments, which I supported in terms of the rezoning that this gentleman in particular was shortchanged on that deal.

I don't want to use this as the bowling pulpit but I am very concerned that we continue not to see real meaningful participation by companies like Sam's here in the City of Pittsburgh and work by their redevelopment authority. We can do all the executive orders that we want, but each and every way I think we need to intervene and make sure that we follow up so that actually there is a proper and equitable participation from those involved.

At this time I would like to ask our City Controller to say a few words and Tom is here to present a similar proclamation.

Mr. Flaherty:

Well, Jim, I certainly commend you and Council for honoring Sam Wright, Junior, here this morning. I know throughout the last few years we have had a very close relationship with Sam and his

fine operation, the W and W Demolition Company. They are certainly a premier company when it comes to interacting with the taxpayers in the City of Pittsburgh. They are certainly on the forefront in the beautification of our great city.

Just to echo what my good friend Councilman Jimmy Ferlo said. Sam was nationally recognized just this past week for his entrepreneurship. There is a beautiful article on him in the Pittsburgh Courier and a photograph with his fiancée, who knows soon to be, Ivy. It certainly is attribute to Sam.

We in the Controller's office are especially honored to be here in view of the fact that we have had some controversy problems in the past with the raisings of various structures and homes. But I can say that Sam Wright whenever our inspectors go out, that structure is raised within the day and that is quite remarkable.

As Jimmy said he's certainly a sterling example to the youth of this city and we hope you continue to grow. He is home bread. His firm is here in Valerie McDonald's area. I know Valerie has had a longstanding relationship with Sam.

We especially hope that you continue to hire the good people of the city and we have this proclamation also for you, Sam, from the Controller's Office. It's great to be here. Thank you.

Mr. Wright:

I just would like to thank these two gentlemen for recognizing that there are some minority companies out there that

are here in the city. We do do the work, we're often times behind the closed doors so to speak and not recognized fully. But I am not a good speaker; I would just like to say thank you.

The Chair:

Sam, you're talking with the hard work.

Mr. Onorato:

Mr. President, Sam, before you leave I want to congratulate you. As you know this has been a big issue for all of us on Council here trying to tear down these homes in the city. It is always frustrating that I have been told by some officials that no matter how much money we put into the problem, we only can tear so many homes down regardless of the amount of money. I can't believe that.

I look forward to maybe working with you, the Controller and Mr. Ferlo and get your input on if we would double the budget how would you help solve the problem. You can give us some suggestions on how we can maybe double the size of your company if you are willing to help take down these homes.

I have so many structures in my district and throughout the city that we want down and that we, Council, properly funded. We are being told that there just are not enough business out there to do it. Yet we are giving you an award and I am sure you could come up with some ideas of how to expand the business if the money is there.

We will be calling you soon and I want to thank you for the good work.

Mr. Wright:

There are a lot of companies out there and they are bidding on the projects.

Mr. Onorato:

That's what we need to hear.

The Chair:

Keep up the good work. Thank you, Controller Flaherty, for coming up.

The Chair:

Frank Gottlieb from KQV please come up. We have one for Mr. Gottlieb. We missed him last week and Channel 53 Fox. We want to honor them for their hard work in the storm.

You know we gave the award last week, last Tuesday, and Tuesday night, Tuesday afternoon we had the other storm. I went down to the Emergency Operation Center and they said please don't give us any more awards because it was twice as bad that night.

So hopefully the sun is going to shine and we aren't going to have any more storms if I give you this award. I would like to thank you. I know you were the radio station that was on the air continuously giving people warning and advice of what to do and where the storm was. So I want to give you this proclamation.

MR. O'CONNOR AND ALL COUNCIL MEMBERS PRESENT:

No. 584 WHEREAS, on the evening of June 2, 1998, the City of

Pittsburgh was hit by severe thunderstorms and tornadoes that affected several neighborhoods of the City and their residents, causing damage to homes, places of worship, schools, and streets, yet the storm could not prevent Pittsburghers from coming together during this time of hardship to help one another pick up the pieces from a devastating act of nature, and;

WHEREAS, the Weather teams at KDKA-TV, WTAE-TV, and WPXI-TV provided City residents with up to the minute accounts of the storms throughout the evening, and delivered timely warnings about how and when to protect ourselves amidst the forecast, and delivered excellent coverage of the post-storm situation in City neighborhoods, and;

WHEREAS, several City of Pittsburgh Departments including Public Works, Building Inspection, the Bureau of Police, the Bureau of Fire, the Office of the Mayor, the Bureau of Emergency Medical Services and workers in the Emergency Operation Centers of Pittsburgh and the Allegheny County, worked tirelessly to accommodate residents and assist them with the cleanup to help those persons affected by the disastrous series of storms, and;

WHEREAS, Duquesne Light provided the residents of the City of Pittsburgh with excellent service that required employees to work all hours in order that residents in the disaster hit areas had power restored in their area as soon as possible, and;

WHEREAS, Bell Atlantic responded to this crisis in a timely fashion, restoring phone service to residents and

businesses in storm and tornado damaged areas, thus allowing for a minimal disruption in the City's communication system, and;

WHEREAS, the Salvation Army and the American Red Cross established disaster relief stations in areas of the City where residents affected by the storms received food and supplies to sustain themselves during this time of hardship, and whose workers provided victims of the disaster with care and support, and;

WHEREAS, the citizens of the City of Pittsburgh responded generously with their time, money and energy to assist the residents of Mount Washington, Hazelwood, Lincoln Place, the South Side Slopes and other hard hit areas, affected by storm damage.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby honor and thank the City of Pittsburgh Department of Public Works, Pittsburgh's Bureau of Police, Pittsburgh's Bureau of Fire, Emergency Medical Services, Emergency Operations Centers, the Office of the Mayor, Allegheny County, the Weather crews at WPXI-TV, KDKA-TV, WTAE-TV, Duquesne Light, Bell Atlantic, the Salvation Army, the American Red Cross, all of the employees of these offices and companies, as well as, the people of the City of Pittsburgh, for putting forth the effort and commitment to assist the residents of Pittsburgh during and after the devastating tornadoes on June 2, 1998.

The Chair:

Frank, I know you do a lot of coverage for all of us and I want to

congratulate you and thank your station for all they have done.

Mr. Gottlieb:

I would like to thank you very much, Councilman and members of Council. I also would like to thank you on behalf of our General Manager Bob Dicky who couldn't be here today. As we say at the top of every hour, we are here when you need to know. We were just doing our job. That's the simplest way of saying it.

I would like to give thanks to a couple of people at the station. Dan Weinberg (phonetic), David Balorato (phonetic) who anchored our coverage during the tornado, Walt Golden, Jennifer Lunt (phonetic), Pat Cluenon (phonetic), all in many cases stayed far beyond their normal quitting time and provided excellent coverage which I congratulate them for.

Also, one other person his name is Scott Laramore (phonetic). Scott is not a Pittsburgher, he's with the Weather Channel and over and over before the storms actually hit Pittsburgh, he was on our air tracking the storm. This occurred June 2, it also occurred last Tuesday.

So the folks who were listening to us knew what was coming before it hit and that's the value of news radio and that's what we proud ourselves in providing the city. Thank you.

The Chair:

Okay. Now moving to presentation of papers.

MR. COHEN PRESENTED:

No. 605 Resolution transferring the amount of \$120,000 from the Mayor's Office to the Print Shop Trust Fund in the Department of General Services to make payments related to the operation of the Print Shop. (PRESENTED BY MR. COHEN).

Which were read and referred to the Committee on Finance and Budget.

MR. COHEN moved to suspend Rule 8 by providing for consideration of the bill only until or after the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MS. MCDONALD seconded the motion.

Which motion prevailed.

MR. FERLO PRESENTED:

No. 606 An Ordinance amending the Pittsburgh Code, Title Four Public Places and Property, Section 416.03(a) Street Encroachments and Major Street Obstructions, Permit Required; by providing for notification to City Council of pending applications for street easements, encroachments and vacations. (SPONSORED BY MR. FERLO).

Which was read and referred to the Committee on Public Works, Water & Environmental Services.

MR. HERTZBERG PRESENTED:

No. 607 Resolution granting unto Bregger's Bagels of 1801 E. Carson Street, Pittsburgh, Pa 15203, an encroachment to construct, maintain and use at their own cost and expense, as sidewalk Café, in the

17th Ward, 3rd Council District of the City of Pittsburgh.

No. 608 Resolution granting unto George Haritos of 123 Linden Street, Pittsburgh PA 15208, an encroachment to construct, maintain and use at his own cost and expense, a Sidewalk Café in the 16th Ward, 3rd Council District, City of Pittsburgh.

MR. HERZBERG moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MS. MCDONALD seconded the motion.

Which motion prevailed.

Also,

No. 609 An Ordinance amending and supplementing the Pittsburgh Code Title 4 - Public Places and Property, Article 1, Section 416.02 Permit Fees for Minor Street Obstructions by adding to Section 416.02 (a), a ceiling of a maximum fee of \$1,500 per month for Temporary Barricade Permits.

No. 610 Resolution vacating a portion of Ballard Way between Baker Street and the Zoo Parking lot in the 10th Ward, 7th Council District, City of Pittsburgh.

No. 611 Resolution granting unto Umesh Nagpal, Subway Sandwiches 415 S. Craig Street, Pittsburgh, PA an encroachment to construct, maintain and use at their own cost and expense, a sidewalk café, extending 16 Ft. in Length

and encroaching 5 Ft. 2 inches onto a 12 Ft. sidewalk in the 4th Ward, 8th Council District, City of Pittsburgh.

No. 612 Resolution granting unto Peter A. Lauterbach of Bravo Franco, Inc., 613 Penn Avenue, Pittsburgh, PA 15222, an encroachment to construct, maintain and use at their own cost and expense, a sidewalk Café consisting of 6 tables and 22 chairs at 613 Penn Avenue in the 2nd Ward, 6th Council District, City of Pittsburgh.

No. 613 Resolution granting unto H.J. Heinz, USA, Pittsburgh, PA 15230, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, an 8 foot smoking shelter in the 23rd ward, 1st Council District.

Which were read and referred to the Committee on Public Works, Water and Environmental Services.

THE CHAIR PRESENTED:

No. 614 A communication from Tom Flaherty, City Controller, submitting a special report sale of tax liens, Department of Finance, privatization contract in compliance review, phase three.

No. 615 A communication from Tom Flaherty, City Controller, submitting the performance audit intergovernmental cooperation agreement Allegheny county mail room, Department of Finance, dated July, 1998.

MR. HERTZBERG moved to file and receive.

MS. MCDONALD seconded the motion.

Which motion prevailed.

The Chair:

Any unfinished business to come in front of Council?

Hearing none, move to Committee Chair Reports.

CHAIR REPORTS

Mr. Hertzberg:

Thank you, Mr. President. The Committee on Public Works. I will just touch on a few topics, which I think are of interest right now and have been mentioned on a regular basis.

First being street resurfacing. Our 1998 program for street resurfacing calls for an expenditure of \$6.9 million and the maintenance and paving of 65 miles of city streets. At the current time 21 miles have been done, cost of about \$2 million. So everything is on schedule to complete the amount of resurfacing and street maintenance that we had planned to make in 1998.

As far as the two recent emergencies, one with the June 2 tornado and the other with the June 30th, I don't know what we call that, hurricane like winds. Relative to the tornado, the amount of hours that were spent on tornado related work in the Department of Public Works including overtime was 19,376 hours at cost of \$345,000. Equipment and other contractual types of costs were \$442,800. The total to date being about \$787,800.

Obviously we didn't anticipate that in our budget but hopefully with the

emergency declarations, the disaster declarations that were made, we should be reimbursed and should not have any budgetary impact. But if the funds don't get here soon, at some point in time we won't have enough to keep operating.

The Chair:

Can I interrupt you? Not just for our own budget, but how are the grants going along for all the people who need it? Do we have any update on that?

Mr. Hertzberg:

I don't have any update. It is not necessarily a Public Works effort. I have received no complaints I can tell you that relative to Mount Washington. I have received reports that grants were given to people that didn't have insurance and that there were applications up there. Approximately 500 different people applied for some form of assistance.

With respect to the June 30th storm, 6,160 hours were spent including overtime and that cost is about \$110,000. Equipment and other contractual obligations cost an additional \$6,155,800 for a total cost of \$6.265 million.

The big part of that is the tree replacement and reforestation cost. So you can see that that's where we have \$110,000 on labor but a total of \$6.2 million. You can see a big part of that is coming from loss of trees and the replacement cost of those trees. We will have the same problem.

Again, we do not have a declaration of a disaster yet related to the problems of June 30. If we don't get that

kind of declaration budgetarily we are going to suffer.

So we need to keep an eye on that and we should know. I think the numbers are being calculated right now. Shortly there will be a presentation made to the federal government to see if that will be declared a disaster and make us eligible for the federal funding.

The Wall, Step and Fence Program. The 1998 program was funded at \$1.2 million. Of that, \$280,000 is the Department of Public Works funding and actually the program within the Department of Public Works has been completed. The goals have been completed. There were six wall projects and three step projects that have been completed.

As far as railings, the goal is 6,275 lineal feet of railing, 476 have been completed to date and the Department of Public Works does expect to complete the entire job.

Those are the areas that I am reporting on today, Mr. President, there are some other areas, but I will save them until a later date.

Mr. Cohen:

Thank you. Just a follow up on the tree issue, I am glad that Councilman Hertzberg brought this up and under Public Works. But as a result of the storm last week, as you know we lost a lot of trees. A lot of beautiful trees and many of which were very large and very old.

In my travels around at least my City Council District, I would guess that

we lost well over 100 trees that are in the public right of way. I would like to work with Councilman Hertzberg and also Director Kraszewski to make sure that those trees are replaced. Hopefully they will be replaced in many cases through homeowners insurance. But in some cases they may not.

I do think at least as a secondary matter after the homeowners insurance that the city does have a responsibility to replace those trees. So that we again have the kind of tree lined avenues that we are so proud of in the city.

Apparently we have the third highest number of trees in an urban area of any city in the country. I heard that statistic and I haven't confirmed that. But if so, that's a great statistic, we want to keep it that way. So I just wanted to thank Councilman Hertzberg for mentioning that point and look forward to working with him and you, Councilman O'Connor, whose district was also severely affected to make sure those trees are replaced.

Mr. Hertzberg:

You can see the thing with the trees. Nobody realizes until they go out and try to replace some of those large trees, they're extremely expensive. We are talking here five or \$6 million as a cost to replace. Those are just what we are estimating to the loss of trees that are public trees. So the private loss may even be greater.

Mr. Cohen:

Maybe in some cases we have to replace them with younger trees. I am not saying we have to replace a hundred-foot

tree with a hundred-foot tree and ship them in from some place, but we at least need to make sure that that area gets covered.

The Chair:

Most of the trees at least I have seen seem to be on the other side, the side between the sidewalk and the street. I would imagine that is our property?

Mr. Cohen:

That's our public right of way.

The Chair:

I don't know how many trees are down in Schenley Park and Frick Park. I am sure it was really devastating. If you go through Schenley Park Golf Course, you see these things down again; it's really amazing.

Mr. Ferlo:

I hope that to be part of our discussion at the Public Hearing on the Tree Commission and all the different issues that needs to be worked on which is July 23, here in Council Chambers at 2:00 p.m.

The Chair:

I think it is perfect timing.

Mr. Ricciardi:

Excuse me. Thank you. Just on that report if I could take a second? Mr. Hertzberg, thank you for that report.

What I would like to do,

colleagues, is maybe during the budgetary times, I also would like it broken down to what type of resurfacing are we talking about. Because to be perfectly frank with you, many constituents in my district are not very pleased. I think the process is the micro surfacing where you just add layers and layers of asphalt on the already asphalt there in place.

I understand the concept, but let me just say it's not working. It's not popular and what is occurring and I can give you alleyways. For example, I just visited a few days ago. Now the street is actually above the curb and now they're having water problems. I think Mr. Ferlo raised this in the past, Mr. Onorato. So maybe during the budgetary times, Mr. Hertzberg, we can break that down because it is just not working. It's not acceptable and it is not wanted no longer in the district that I represent.

Mr. Hertzberg:

Just to comment on that, there is an appropriate place for different types of resurfacing. I think probably the best is when you mill the surface first and you remove what is there. Then replace it, and then you don't change the height of the surface at all. But that's far more expensive and we would be doing far less miles if that were all we did.

But there are times when it's appropriate to just do the micro surfacing. Apparently though there may be places where mistakes have been made, we shouldn't do that. We can stretch our dollars quite a bit when we are able to use that micro surfacing. It is just not always appropriate.

Mr. Ricciardi:

I think Councilman Hertzberg raises a very good point, but there is a time when common sense just enters the picture. You don't have to be an expert in the field. You don't have to be an engineer when you lay the asphalt on say for example Larkins Way or Carey Way or some spots right off of Michigan Street in the Beltzhoover area. You just see that the asphalt is above the curb. Well common sense would have said this is not a bright idea or smart idea.

Now we are having a lot of water problems in the city. The city is saying, well we're not responsible; people should dig up -- raise their curb. Well, they never had a problem until Public Works showed up.

So I really hope that we have an opportunity to visit this issue under the leadership of Councilman Hertzberg.

Mr. Diven:

First of all, I would like to commend all the employees of our Public Safety Bureau for the work they did in relationship to both of the storms. First, let me touch on the Building Inspection Bureau.

On the June 2nd storm they have since inspected over 900 structures throughout the city damaged by the tornado. The cost estimates have amounted to \$9 million worth of damage. In the most recent storm they ended up inspecting and reporting on 78 structures with \$1.6 million worth of damage. That's kept them pretty busy in the last month.

I have also had the opportunity to speak with some people from the Bureau of Building Inspection relating to how we are doing on demolition. They've told me that they are in the process of preparing a report which they will be sending up to Council shortly detailing the first half of this year versus the first half of last year.

Preliminarily they are saying that we are on track and right about the same numbers of homes that we have torn down last year. So I know that that's been a priority for Council that maybe we need to start to put some pressure on to speed up the number of homes that they're doing so we can spend the additional money that was allocated for demolition.

The Chair:

Were you able to get a break down? Mr. Onorato asked that question last week, about two weeks ago.

Mr. Diven:

Yes.

The Chair:

Where are we at compared to last year?

Mr. Diven:

They're in the process of pulling all of those numbers. They will have a report to Council I would say within a week, that will detail the numbers. But what they're saying to me now is that we are on track to match the amount of homes that were torn down last year. My feeling in listening to Council is that's not going to be acceptable. There was an additional

amount of money that was placed in there to do more and we need to work to step up the pace so we can take down the amount of homes that we are looking to do.

The Chair:

Maybe by next week, if I am not interrupting you, Dan, we would ask for a plan of action. How they're going to match the dollars we put in? We just had a gentleman here that is willing and able to tear homes down as you said and he is a minority contractor. It would be great to see him and other workers do more, especially when the money is there.

Mr. Diven:

We should have the numbers so we will be able to document what kind of production we are having in taking down homes. Hopefully we will be able to use that to encourage more effort on stepping up that pace.

In addition, from the Emergency Medical Services there were seven new ambulances delivered this spring and that's coupled with last year's delivery of six new units. This completes the replacement of all our frontline units with the exception of Medic 12 that is in Hays and Lincoln Place.

The reason why that unit hasn't been replaced is because this station is too small to house a full size fire apparatus or one of our new ambulances. Arrangements are being made to refurbish the current Medic 12 unit.

So other than that they were on call with the weather emergencies and they're currently seeking or they expect to receive

reimbursements for the overtime cost from FEMA. So that is from Emergency Medic Services.

The Bureau of Police Operations, they have just as a follow up to Council they have initiated disciplinary actions against four officers for the missing crack cocaine that happened earlier this year. They anticipate another officer or another two officers will face disciplinary charges.

These charges are administrative charges only dealing with the chain of command and the handling of evidence. The criminal investigation continues with the FBI. That's a follow up to where we are with that.

The Chair:

It is good to see it didn't go away, that's very important.

Mr. Diven:

Additionally, last week in conjunction with the Pennsylvania Attorney Generals Office we were involved in breaking up one of the largest cocaine rings in Western Pennsylvania. That is some very good news. I know the Attorney General Michael Fisher made an announcement at a press conference and commended all agencies including the Pittsburgh Police and the Pittsburgh Housing Authority Police for working together to stop the large-scale distribution of cocaine in the city.

Right now they're in the process of meeting with officers and supervisors and special deployment to discuss a final report in the garbage truck accident in which a city employee was fatally injured.

This report should be completed within a week or two.

Additionally, the command staff has been working on changes to the secondary employment of police officers. I know that was an issue that Council had on its agenda following the settlement of the \$20,000 case regarding the police officer working a detail at the stadium.

We were supposed to have a Public Hearing. I believe the day after the first storm hit. That was canceled due to the overtime that people from the Police Bureau had put in from the night before. But I had met with the command from the bureau and members of the F.O.P. Executive Board. It was a very informative meeting where I learned a lot of the details and a lot of the technical things regarding secondary employment.

I know that one of the questions was how can the city provide itself with liability from officers working secondary employment. From what was discussed at that meeting there is no quick fix solution for relieving the city of the liability for having officers working secondary employment.

But what they did talk about was even if we wanted to, which I don't think anybody has the desire to eliminate secondary employment, there have been other cities nationally which have tried to eliminate secondary employment and were taken to court and sued. The police officers were given the opportunity to work secondary employment.

But some of the statistical information that was brought to life at that meeting was the benefit that the City of

Pittsburgh does receive from having officers work secondary employment. Currently on a Friday or Saturday evening we will have upwards to 40 officers work the East Carson Street corridor. That's just one example of the number of police officers that are working a detail or details on the weekends.

There are 40 places just on Carson Street where we have police officers in uniform working a detail. Now we may only have 25 officers, 15 to 25 officers on an evening turn, so we are almost tripling our police presence with the help of secondary employment.

In talking with the officers that usually do these details, it is a situation where during the course of an evening on an average, they can stop upwards to five actions from escalating into something where we would have to have had a patty wagon or a cruiser called in to stop something after it gets out of hand. So the benefit for having these police officers allows us to make sure that the resources that we have on duty police officers are spent in the neighborhoods working on things happening there instead of going to places where there is a likelihood of something breaking out. We're getting it done, paid for by the expense of a private company.

So they talked about working together, the F.O.P. and the Chief and the Assistant Chiefs, to come up with something that could improve the secondary employment set up. They agreed that that was a direction they were willing to look into.

But I would like to stress, it is my feeling that at this time we don't need to do

anything from Council's perspective as far as bringing any legislation or any kind of changes to the secondary employment. I think we are getting a good deal from the stats and the numbers that I have seen. We are saving a lot of money by having private companies pay for police officers in uniform to prevent trouble from happening. I think when you weigh those intangible costs, it is a pretty impressive benefit for the City of Pittsburgh.

Additionally, in the police bureau, payroll clerks are being trained to replace officers who currently do office work. Those officers will be reassigned to patrol or community oriented duties once the payroll clerks take primary control of the payroll unit.

Also, new cars, wagons and detective cars are being equipped and are scheduled to be placed into service in the next few weeks.

Also, in talking with people from the Emergency Operations Center obviously they have been pretty busy with the storms that have taken place recently. They have worked -- on the first storm I had spent some time at the Emergency Operation Center and saw the operation. It was impressive. I think we are fortunate to have that kind of coordination and that kind of professional service to make sure that we are getting the best response and we are getting it done efficiently.

In the Fire Bureau I am sure Council is aware of the recent announcement of Chief Dickinson to retire as of August 21. I have asked Chief Dickinson if he would be interested in receiving a proclamation from Council recognizing him for his 13 years of

Pittsburgh firefighter. Currently we have that scheduled for August 3. If any other Council members would be interested in co-sponsoring the proclamation recognizing him for his service to the city, just contact my office.

I think that the City of Pittsburgh obviously is going to be losing a very talented and knowledgeable Fire Chief, but in addition we will be losing a first class individual.

I had the opportunity to talk with the Chief. He has mentioned that this was a decision that he had been contemplating for two years. It was motivated by the fact that he's got family in California, which with all the pressures of being a Chief in a metropolitan fire department he can't just pick up and go and see his family whenever he would like to.

He also has a position with the National Fire Training academy in Maryland that he will be working as an agent professor. I know he will be sorely missed in the City of Pittsburgh, but I would hope that we can bring him in on August 3 and wish him luck in his new profession. That's the report from the Bureau of Public Safety.

The Chair:

I had one question on the police overtime and all the emergency overtime will that be reimbursed through Federal/State grants?

Mr. Diven:

To be honest with you, I can ask. I am not sure.

The Chair:

I would like to know that. I imagine it should be, but I just want to clarify it.

Mr. Hertzberg:

On the issue of the police working details in uniforms for private employers. I don't want my comments to be construed to mean I am opposed to that, I am not. I have had a number of phone calls when we had that Post Agenda Meeting scheduled from police that were very concerned. It gave them the ability to pay for a child going through college and a wide number of things. I have no problem with the concept of that at all.

The concern was only who is covering when there is a claim and there is liability? I am not sure that that has been resolved about liability insurance and where that stands. Because from everything you said the liability it seems to me in these particular details is probably greater than it is out there normally in the day-to-day shifts or at least is great. The police are being asked to work these particular details because problems are anticipated.

So when they occur, I mean, we expect them and the liabilities may be even greater on those details. So even more of a question arises as to where will it fall if there is going to be a liability for some action taken by a police officer on those details and where we stand on the issue of requiring insurance?

Mr. Diven:

One of the things was that wasn't

covered in the meeting was the National F.O.P. offers police officers who work secondary employment a \$150,000 liability insurance plan that costs about \$150 a year, but that still doesn't cover the city or exclude the city from being part of a lawsuit.

So in talking with the F.O.P. Executive Board and the Chiefs and the Assistant Chiefs who we had a combined meeting, they discussed that no matter what we do, the city because they're wearing the city uniform and they are city employees using their city training to work in secondary employment, we are still going to be party to any future lawsuits.

But one thing Smokey Heinz from the F.O.P. had pointed out in the past 10 years, I think, there were only three cases where officers were involved in lawsuits that we were settling during the course of secondary employment, which doesn't add up to the amount of money. If you figure having --

Mr. Hertzberg:

It will only take one though, believe me.

Mr. Diven:

They did make a commitment to work together. One of the things that Chief McNeilly had talked about doing was working to bring more control to the secondary employment details. Additionally providing officers with radios, making sure that they check in and some of these changes have already taken place, where they have asked them to check in with each particular zone and let them know where they are. Because I

think what the attorney from the F.O.P. and the police department were saying one of the problems with the liability is there is not as much supervision as there would be during the course of a regular on duty position. They said one of the ways they can do that is by requiring them to check in, which they already do now. Check in with their zones; let them know when they are working a detail, having it go through the chain of command to be approved.

Additionally they talked about in the future getting radio equipment to people working secondary. That way they can keep in contact with the on duty officers in that particular zone. So there are ways of mitigating the liabilities and trying to reduce it. The F.O.P. and the Chiefs and Assistant Chiefs have at least told me that they are committed to working to try and work together to tackle that problem.

Mr. Hertzberg:

But the issue of an insurance requirement was that discussed at all?

Mr. Diven:

It was discussed in talking with a number of the officers that worked details. I had the chance to go out and talk to a couple of them on the street. One of the things they said was they wouldn't have a problem. The majority of them said they would not have a problem about getting a secondary insurance policy.

Now that was something that was brought up in the meeting with the chiefs, I don't know if that's going to be something that the Police Bureau pursues in the way of secondary employment.

Mr. Hertzberg:

I mean as far as the private company or individual that hires a police officer, agreeing to cover the city, that is what I am talking about.

Mr. Diven:

One of the things that was brought to light at that meet meeting was, the Sheriffs Department has a waiver, which an employer is supposed to sign off on saying that they will be held harmless. That they would relieve the County Sheriff's Office of any liabilities from somebody working a detail for them. But the consensus from the people at this meeting was that waiver wasn't worth the paper it was written on. If it was challenged in court, it wouldn't provide the city with the kind of indemnity that it needed in those cases.

The Chair:

If I might just follow up, my last discussions after your meeting I think Doug attended, I couldn't be there. But the Chief and Smokey Heinz are very positive into looking into the insurance. I think that's a big part of it including the protection of the officer. God forbid he was permanently disabled or something, he or she would want that protection for themselves.

The older insurance that actually the officer who was in the problem we had didn't have, has that now. Some of the insurance was more like a life insurance type of thing. Now the insurance is much better. I think the way they are looking at it from the National and our local FOP, there is a program that I think they can

design. Whether we make it mandatory, I don't think we are ready for that yet. But once they iron it out, I believe every officer and the cost are very minimal, like \$150 a year. So, I believe that is the direction we were left with that they are going into.

Mr. Ferlo:

I think both of our colleagues gave great reports in activities going on in their respective departments. Just on this issue, I thought where we last left off was that we would have a Post Agenda Meeting where we could discuss a number of these issues.

I think the point is well taken, we should look and see whether or not the system is broken. What has been the extent of payments that this Council has been presented with over the last decade? Try to get some perspective on it.

I am not opposed necessarily, obviously to secondary employment. The only issue and I think even more than just having a meeting, if we could just direct a question to the Law Department. Is there some manner in which the city could be held harmless or indemnified from lawsuits and judgments pursuant to secondary police employment? See what the response is and then let's talk about it.

I don't think we should talk about eliminating secondary employment or anything like that. We just want to know is there some prudent way and is it even prudent? We don't know what the cost is, it may be easier to settle a case every three years then pay some insurance claim. I don't know, but I think we should just direct the question to the Law Department

and see what their response is whether or not we can be indemnified or held harmless which is Councilman Hertzberg's initial point.

The Chair:

I believe the Law Department is looking into it. I don't think we got an answer. So Mr. Ferlo is right, if you will please follow up on those two.

Mr. Diven:

Yes, I will look into that.

Mr. Onorato:

On the same issue. This all came out of an Executive Session on a particular lawsuit. I was doing a lot of thinking about this and I don't want to lose sight of the larger picture and the over all benefit of using detailed officers that are in uniform throughout our neighborhoods. The vast majority of them are usually in places where the public attends.

I know I feel better walking into the local grocery store or I see a police officer working the door or working the parking lot that's hired by the proprietor and knowing that the city's law enforcement presence is there in the neighborhood. Same with some of the bars, restaurants where ever they might be, these are places where the public have access to and go in and out. I don't want them to ever loose that option. I think it's a good option and there is a side benefit that the officers make some money on the side.

I think what we really need and what we never looked at is the big picture

of cost here. I have never seen a report showing how many officers out of 1170 do detail work. I assume it is a large number. How many hours of detail do we do? How many lawsuits actually were there? How much did we actually pay out? I would guess that the percentage is very very small that relate to lawsuits directly related to a detail problem where we paid out money.

Now we had that one and that was a bizarre case over at the stadium. I don't remember, I have been here seven years, that many lawsuits if any that we pay out for detail problems with officers. I don't think there is a problem. We had one case where all of a sudden and I was part of the hysteria we were talking about it, but when you step back a second, you might find out that there was no problem at all and there is not even a money issue.

We are getting such a great benefit for the detail work out there, and that 99% of it is working. If it costs every once in a while, the risk is you are going to have to pay sometimes because of how outrageous our country has become with lawsuits.

But I am not going to let some attorney from ACLU dictate our policy on detail. That threat always exists and we are going to be sued. But I want to protect our properties. We can't stop some of these attorneys that are on the fringe that are looking for a quick buck.

I support the detail work; it is a valuable asset to all of our neighborhoods. I don't believe there is a problem unless someone can produce the actual numbers showing that it is a financial drain, which I don't think it is.

Ms. McDonald:

Same issue and an additional one since I think we have beaten this one up. My suggestion strongly is for Councilman Diven to still convene a Post Agenda, not necessarily a Public Hearing but a Post Agenda to inform Council as to existing policies. See if there is a problem as Councilman Onorato said.

I was thinking as we had dialogue, is there a problem first of all and we may not be able to ascertain yes or no until we schedule the Post Agenda so that the administration can come forward and let us know.

Mr. Diven:

We should probably reschedule the original Post Agenda.

The Chair:

That was cancelled there was an emergency that day.

Mr. Diven:

It was the day after the tornado and everyone was out working overtime and no one was going to be at the meeting.

I met with the F.O.P. and the command staff for the Police Bureau a few days beforehand in preparation of this meeting. I think it's a great idea to have a Post Agenda because there were a lot of things that were presented at this meeting that showed the benefits of secondary employment. I think it's definitely worth while for every member of Council to see what we are getting at.

I think there are some qualifications that an officer has to fill to be eligible for second employment. They have to have so many days of sick time in their bank. They have to be officers who don't have any discipline problems in their history. They also have -- some of the statistics that shocked me was the amount of police officers and the amount of coverage that we have in situations where a police presence is definitely needed.

In addition, we have to keep in mind during the details they're still first and foremost police officers. If they see something down the block they have to leave their post and respond. Not only do they protect the property of the bar owner or whatever they're doing, but they also provide police coverage in areas where as a city we just wouldn't be able to afford to be able to do that.

Some of the things that happened in bars and restaurants they're responsible for enforcing PFA's. They're responsible for taking people who are trying to use counterfeit money or pass out stolen credit cards. So they do provide some presence to stop some criminal activity unrelated to looking after an individual or private property.

So if we have that meeting I am sure Council will be impressed on just the amount of savings that we receive through the secondary employment program.

Ms. McDonald:

I am all for secondary employment. I think it is needed in the City of Pittsburgh. It is needed because it is an urban setting and it is not really a matter. It's nice for officers to be able to make

overtime money or extra money. But my priority is the safety of the city, protection of businesses and keeping the order all the time.

So I am for secondary employment, but I think a Post Agenda -- some of the technical questions that have been asked by Councilman Hertzberg and others can be addressed. Particularly Councilman Ferlo who expressed concerns about the liability even when we were in Executive Session discussing lawsuits. Maybe if you could collaborate with the Law Department and bring forward how many --

Mr. Diven:

I believe it was three. According to Smokey Heinz there were three in the past ten years.

Ms. McDonald:

I am not talking about Smokey. I mean the Law Department. I didn't mean it that way. But I want the Law Department to absolutely confirm legally where have we suffered financial liability specifically due to secondary employment.

Plus I have a different issue. We have beaten this one up.

The Chair:

Before we finalize this, I think all Council is probably saying the same thing and there probably isn't a problem. But I would like to tie up the loose ends if there are any. Whether it be legal insurance and whatever.

So within the next two or three

weeks if you want to have a Post Agenda but ask them to have the answers for us. They have had plenty of time.

Ms. McDonald:

Another issue though in being in attendance at the last Civilian Review Board Meeting, there were some serious concerns that were expressed by the Board members, by the Executive Director as to how expedient the City is. The Administration is helping them to implement the program, set up office space, and the phones and all those technicalities involved with setting up the office.

Also, I now have concerns with what I read in the media. The Civilian Review Board is not up and running quite yet. But it seems to me there is still that thing about OMI being the entity in dealing with complaints from citizens or civilians against police officers or other public safety officials. It would be nice to get an update.

I think it has been a while since we have absolutely discussed how the Civilian Review Board is all fitting in. It may not be because the Civilian Review Board is not necessarily under the auspices of Public Safety Department.

It is basically a mayoral administrative matter. I don't know who would convene a meeting just to give us an update as to where they are at? How this is all going to fit in? There were questions that were never answered. There were a lot of loose ends when we last left this issue as to how OMI will be collaborating and working in sync with the Civilian Review Board. Who gets what

cases? How is it going to be worked out? I don't think we are still clear. I think there is still some loose ends.

The Chair:

Before our recess in August, we should have one of us, let's determine who is going to give us an update on that.

Ms. McDonald:

I think it would be good to get an update before they actually are officially opened. I mean they have a phone number, I am not sure how officially opened they are, but we need an update before they start accepting a lot of different complaints to find out where we are with that. How they are set up? How specifically they are going to work in their capacity with the OMI, Public Safety? We have to know.

Mr. Ferlo:

That point is well taken. Can we just basically ask the Executive Director and/or the Chairperson of the Review Board to submit a formal report to Council giving us an update on where they are at administratively, organizationally, by-laws, regulatory and what have you? Just give us a comprehensive update report and also alert us to any issues or policy, concerns or administrative concerns they have in terms of getting started. If we could just ask for a formal report --

Ms. McDonald:

That would be feasible but the tone that was set at the last meeting, Councilman Ferlo, was such that a written

report may not answer all of the questions that we would have or some of the concerns may need discussion from Council members.

The Chair:

On that issue, we probably need a Post Agenda then. No one is going to sit here and give a five-minute report without probably a lot of questions. So maybe we could even look at a Post Agenda and we need something in writing to brief us where they are now.

Mr. Ferlo:

My point is we have given them whatever tools we have been asked to give them. If there is an issue, they need to communicate to us. They are an independent commission as much as the Human Relations Commission. If there is some problem or obstacle, we can resolve it.

The Chair:

Linda, you want to request -- Can I have a motion to send a letter to them requesting an update and then if we see a Post Agenda necessary, Ms. McDonald, you certainly have the option to that.

Mr. Cohen:

The legislation that we passed I know requires the Civilian Review Board to come to Council and report on their activities. I believe, and I am going from memory here, I believe it was a year after the passage of the legislation which actually we are coming up close to that.

So, you might want to look at that. We should look at that and see whether the timing is about right. I know the legislation calls for it. If not, there is nothing to prevent Council from getting a report from them earlier than a year, but we are coming up close to a year.

The Chair:

I believe we need an earlier report, because if the final report is bad, then we can say why didn't they warn us, let us know what they needed.

Mr. Cohen:

Right. I am just saying we should look at the legislation.

The Chair:

Move now to reports of committee.

REPORTS OF COMMITTEES

MR. UDIN PRESENTS:

Bill No. 616:

Report of the Committee on Finance and Budget for July 1, 1998, transmitting one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 577:

Resolution providing for the issuance of a warrant in the sum of \$30,000.00 to April A. Slifko, C/O Samuel J. Cordes, Esquire, Ogg, Jones, Cordes & Ignelzi, L.L.P., 245 Fort Pitt Boulevard,

Pittsburgh, Pa 15222 on full and final settlement of alleged sexual harassment from male co-workers at Fire Station # 36, Medic Unit 10, chargeable to and payable from Code Account 46, Index Code 004606, Fund 1000, Sub 170, Account 582200, Organization 999200.

The Chair:

You have heard the reading and title of the bills, is there any discussion on the bills.

Mr. Ferlo:

I wasn't here last week to discuss this issue, I am not going to discuss in detail now. I just want to point out that it seems to me that we continue to pay judgments and it is clear I think in most of these cases the city ultimately as an entity has been liable for indigoes behavior. What confuses me always is that no one is ever held accountable for whatever the infraction is.

I never get a sense with judgments that we pay, that there has been corrective action in the department or that people in some -- and there are individuals involved who should have known better, who are on notification. Where there was early warnings to notify supervisors at least in this instance if it is the case I can remember from a few years.

Two chiefs were aware that there was a problem. Again, there is no question I think we have to make payment; we probably got off cheap. It is just like government goes along and we pay the judgment. Nothing ever changes, no one is ever scolded or even disciplined let alone have something in their employment

folder. I don't understand how we do business in the city government. When things happen like this and it reaches the point where you have a civil rights case, and it reaches the point where taxpayers end up having to shell out a lot of money, and it is not clear to me that anything ever changes. No one is ever disciplined; no one is ever brought up on some appropriate disciplinary action by the administration.

It may be that the administration that some of these infractions start in previous mayors and goes to the next mayor and it just kind of gets lost in the shuffle. But I just think in the future when we are paying out all of these judgments, if there is a way for the administration and the mayor himself to set a tone and indicate to Council that yes we are cutting bait under risk management.

We want to make this payment, it is the most appropriate thing to do to protect the taxpayers, but this is what changed. This is what behavior changed, this is what policy changed, this is what employment practice changed. These are individuals who are no longer working in city government because of their conduct. I never get a sense that that happens.

I am going to vote for it because it makes sense financially.

Mr. Cohen:

I agree with Councilman Ferlo on this. I unfortunately had to miss the Executive Session because that was the day after the storm, but I would like to at least get a -- I realize this is a sensitive issue and Executive Session and all that.

But I would at least like to get a written report from the Public Safety Department, not from the Solicitor. I think we have already gotten a report from the Solicitor, as to what policy changes have taken place as a result of this lawsuit and other complaints of sexual harassment in the work place. It is a serious issue.

I am obviously voting for this judgment in order to settle this case, but we need to have a sense of what policies, if any, have changed as a result of this and other complaints. I don't have a sense of that. It may well be that this happened at the meeting, which unfortunately I was out in my district because of the storm, but we need to have some sense of that.

Mr. Hertzberg:

There was an OMI investigation of this incident, but it didn't yield anything.

Mr. Ferlo:

That really makes me feel better.

Mr. Hertzberg:

Just so you know, it is not like that aspect was completely ignored. A lot of what happened here happened several years ago. So it certainly wasn't under the consent decree provisions that our OMI operates under now that all this happened.

But at any rate, OMI did do an investigation, but the result was no recommendation of any kind of discipline or anything of that nature. Policy change wise, we did discuss that policy changes have been implemented in the Fire Bureau and elsewhere on the issue of sexual harassment.

My own kind of case study analysis just talking to some firefighters, indicates that they have been under quite a bit of sexual harassment educational kinds of things. Everyone is now much more aware of and much more sensitive of what could be deemed sexual harassment, at least in fire.

Mr. Udin:

The recent Supreme Court decision regarding sexual harassment, I think, puts us as employers on notice that we are expected to be much more aware of the conditions that our employees work under relative to sexual harassment of women in our employ. It will not suffice any scrutiny of the courts for us to just say that we kind of checked with our friends and we heard that everything was okay.

I heard something quite different. I heard that when the training was going on some of the trainees were looking out the window, sitting with their back to the trainers, joking, snickering. There are a lot of male employees who don't take sexual harassment seriously. They think they have a right to harass women employees. Some of them think that women should not be working in these so called male jobs, and I think that we ought to make sure that the attitudes and behaviors primarily the behaviors of the employees especially in the public safety branches have been corrected and are being corrected.

One training event is not going to be enough to change attitudes and it is not sufficient for us to say we have to wait until there is a problem. Our responsibility is to act to prevent problems from occurring. I think that the sign and

indication that we have to pay out this judgment is an indication that a problem did exist. Whether or not that problem still exists I think we ought to systematically determine whether or not it still exists. Otherwise, we will be liable for future judgments.

Mr. Ferlo:

The best way to make modifications, is to get rid of people. Not just make a payment because it is the best thing to do for the taxpayers. If this is the incident and the case that I am aware about involving the medics and the fire station, there are higher level chiefs, assistant chiefs, supervisors, other people that were aware for an extended period of time about a very specific case. We are not making this judgment and this payment and we have to do that.

I don't get a sense is that, did anything change? It is true that maybe people don't pay attention in the training class about what they are listening to, but I am talking about who all was disciplined or what administrative personnel changes were made as a result of this infraction? The best way to change behavior is to effect people financially in terms of their employment and their security.

This is just typical of many suits that we have to resolve and we do risk management or have to pay it and bite the bullet because it makes the best sense given the litigious nature of society, but then nothing changes within the bureaucracy. I never get a sense of people have been disciplined or relocated or asked to go get employment some where else. It just - if you want to change behavior,

effect the work force as it relates to their conduct.

Mr. Diven:

One of the things that was kind of peculiar to me in the Executive Session was the chain of command for the Fire Bureau. Correct me if I am wrong, but they were saying that only the Chief and the Assistant Chief are considered supervisory positions. The other ones in a firehouse are not necessarily considered supervisors.

One of the problems that I foresaw with what was presented in the Executive Session was if we don't have a situation where it's not only your duty but it is an obligation to pass the information regarding sexual harassment or any other kind of inappropriate behavior along to someone up the ladder until it reaches you know someone who can make a command decision on what needs to be done. If that information does not have a way of passing it up and if everyone walks by and says well it is not my responsibility, I don't have to do anything about it.

The people that walk by unless they are compelled to make sure that that information gets to the right person regarding behavior in a fire station or a medic station, then a lot of people look the other way. As an employer we are automatically liable because we should know better. We should know what is going on. From the Executive Session, if I am wrong, is that how the Fire Bureau is viewed that people working in a fire station don't consider themselves one as a supervisor to other people on the bureau?

Mr. Hertzberg:

I think it is a matter of who is a member of the firefighter Local Number One that's what it was.

The Chair:

The discussion came up where some people --

Mr. Ferlo:

Both chiefs were aware of what was going on -- the fire chief and the EMS chief.

The Chair:

Without discussing this case --

Mr. Onorato:

I am sorry. I was at the Executive Session and what Councilman Ferlo just said is in contradiction to what was stated at the Executive Session. I am not going to get in detail about what was said at the Executive Session, but it disturbs me to hear all this discussion here as though we are putting blame on one side or the other when all we have in front of us right now is a settlement paper. There has been nothing proven in court and this is part of the great American shake down, where you file a lawsuit, get some money, and you don't prove anything.

This lady might be absolutely right, she might not be. I don't know. This is a risk management decision that we are going to vote on today. We had an Executive Session; I can tell you there were a lot of things stated in there on both sides that were questionable. I am sitting here getting nervous because I am only hearing one side of it and I don't want to

bring it up. If we are going to start that, let's be careful what we are saying.

The Chair:

I believe Mr. Ferlo wasn't at the meeting. He said he wasn't there. It is taking on not only this case, but a broader issue.

Mr. Onorato:

They're contradicting what they said.

Mr. Ferlo:

I don't think they are being accurate. If you want to recommit the bill for another session --

The Chair:

I don't believe we should recommit the bill. What you bring up and it was discussed at the meeting. I think there is a history here of a lot of people take a promotion. They take the pay but they don't take the responsibility. That has to change. Our Law Department stated that and forget about this case, in a lot of issues here, because maybe there are still memories of the Union that they don't want a supervisor person. But when they take that one step up they have to know that they are in charge.

Mr. Ferlo, this is going to take a whole change of history here. I believe, and I told the Law Department, it is not their responsibility but it is the Personnel Department's when you start promoting people, all of these things have to go along.

As Mr. Udin said, the Federal Government is sending you a warning. If you are in charge, I don't care if it is one employee or ten employees and there is a case that comes before you, you have to know how to handle it or take it up to your supervisors. That hasn't been happening and I think our Law Department said we have a problem and they're addressing it.

I don't believe it is solved and I think the challenge for us is to follow up and make sure it is followed like any other business, because it is only fair to our employees. If you are making somebody a supervisor, the biggest challenge you have is to make sure that person is competent to train you, to help you to make sure you are in a safe environment and you follow all the rules and regulations of not only our government but of any job employment.

So this is a whole other issue that I don't think pertains really to this case, but if it were in place five years ago we wouldn't have this case.

Ms. McDonald:

I agree that this is a settlement, but administration was pretty clear that there are some larger issues, policy issues, administrative issues that are going to be sent us in terms of the fire department. They had already committed in that meeting that there would be a meeting of some kind so they can brief us on whatever concerns are out there.

Like you said the chain of command, which seems totally illogical to me, not illogical as far as what they've, but how it worked out. It did not work out. So there may need to be some changes.

I would say it is incumbent upon Council to press for some type of meeting. I am not sure if it should be like a Public Meeting, it could be a meeting set up because it is legal issues, union type of issues, personnel issues, that maybe under the prefer of the Sunshine Act, outside of the Sunshine Act.

Maybe it can be done in that fashion, but with the lack of a Fire Chief right now, we don't have really a Fire Chief. We are going to be looking for a Fire Chief. I don't even know what the process is going to be on seeking a Fire Chief. How are they going to do this? What is the process going to be?

I think it is incumbent upon Council quickly to find out what is up in the Fire Department? What are the concerns that the administration has? What are the concerns that Council members have? Before we even engage in a process.

So I would look forward to a meeting from the administration so we can discuss these peripheral matters. But I would agree with President O'Connor, we just have to move on this legislation for right now.

The Chair:

Let's move on this and let's ask for a follow up. I don't know that we need meetings, because they told us they know all the problems. It is not just related to the Fire Department. They better start coming up with some answers and plans on how they are going to address those problems.

I would like to vote on this issue.

Any more questions?

The bills are now ready for final action. All in favor of the passage of the bills vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES Nine NOES None

Bill has received the legally required number of votes and is passed finally.

MR. RICCIARDI PRESENTED:

Bill No. 617:

Report of the Committee on Housing, Economic Development and Promotion for July 1, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 570

Resolution amending Resolution No. 543, effective May 7, 1993 entitled "Resolution providing for an Agreement

or Agreements with Elder-Ado for operational and/or administrative expenses, including purchase of equipment or materials, for the benefit of low-moderate income residents of the City of Pittsburgh, at a cost not to exceed \$9,000.00, so as to increase the amount to \$13,020.00, Chargeable to and payable from the 1993 CDBG Program "City Council", 500000-2610-101100-C1993-G221335-1997. (SPONSORED BY ALL COUNCIL MEMBERS.)

Which was read.

Also,

Bill No. 571:

Resolution providing for an Agreement or Agreements with the Allentown Senior Citizen Center, Inc., for operating assistance, at a cost not to exceed \$3,600.00, chargeable to and payable from the 1993 Community Development Block Grant Program; project No. 500000-2610-101100-C1993-G221105-1997. (SPONSORED BY ALL COUNCIL MEMBERS.)

Which was read.

Bill No. 572:

Resolution amending No. 228 of, 1993, entitled "Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1993 Community Development Block Grant Program "so as to transfer funds from a line item in the Department of Parks and Recreation to several projects

in City Council. (SPONSORED BY ALL COUNCIL MEMBERS.)

Which was read.

Also,

Bill No. 573:

Resolution amending No. 274 of 1994 entitled "Providing for the filing of a Community Development Statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1994 Community Development Block Grant Program" transferring funds from a project in City Council to other projects in City Council. (SPONSORED BY ALL COUNCIL MEMBERS.)

Which was read.

Also,

Bill No. 574:

Resolution amending Resolution No. 149, effective March 8, 1994, entitled "Providing for the filing of a Community Development Statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1994 Community Development Block Grant Program" transferring funds from a project in City Council to other projects in City Council. (SPONSORED BY COUNCIL ALL MEMBERS.)

Which was read.

The Chair:

You have heard the reading and

title of the bills, any discussions on the bills?

Mr. Diven:

I first of all would like to thank my colleagues for their support of helping the Carrick Senior Center. I think it's a very important function of the City of Pittsburgh and I am pleased to be able to help them through a tough time this year. I thank Council for giving me the opportunity to do that.

The Chair:

They waited very patiently and thanks for your leadership.

Mr. Cohen:

Same, thanks to Council colleagues with respect to the Bloomfield Senior Center which Councilman Ferlo and I both cover. But I do think that we need to discuss relatively soon how this issue is going to be taken care of in the following years. Clearly there is a problem; there is a gap, a gap which the city is stepping in to fill for these three senior centers. But we need a long-term plan so we are not put into the same situation next year as we are this year.

The Chair:

Thank you.

The bills are now ready for final action. All in favor of the passage of the bills vote aye when your names are called; all those opposed will vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES Nine NOES None

Bills have received the legally required number of votes and have passed finally.

MR. FERLO PRESENTED:

Bill No. 618:

Report of the Committee on Engineering and Construction for July 1, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 562:

Resolution amending Resolution No. 555, effective July 12, 1995, entitled "Providing for a Contract or Contracts, or use of existing Contracts, and/or an Agreement or Agreements, or use of existing Agreements, for Construction and Construction Inspection Services in connection with the Rehabilitation of the Schenley Park over Panther Hollow Bridge; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania,

Department of Transportation; and providing for the payment of the costs thereof;" by amending the funding source and eliminating the partial front funding language.

Which was read.

Also,

Bill No. 563:

Resolution amending Resolution No. 143, effective April 2, 1998, entitled "Providing for a Contract or Contracts, or use of existing Contracts and/or an Agreement or Agreements, or use of existing Agreements in connection with the Reconstruction or Rehabilitation of Neighborhood Streets throughout the City; and providing for the payment of the costs thereof," by amending the funding source and by increasing the total project allocation by \$25,420.00 from \$921,500.00 to \$946,920.00.

Which was read.

Also,

Bill No. 564:

Resolution further amending Resolution No. 838, effective January 1, 1998, as amended, entitled "Resolution adopting and approving the 1998 Capital Budget and the CDBG Program; and approving the 1998-2003 Capital Improvement Program", by decreasing Neighborhood Street Improvements by \$60,000.00 City Funds and \$6,750.00 Water and Sewer Funds and by increasing the Schenley Park over Panther Hollow Bridge project by \$60,000.00 City Funds.

Which was read.

The Chair:

You have heard the reading and title of the bills, is there any discussion on the bills?

Mr. Cohen:

I want to briefly thank Engineering and Construction for moving on Panther Hollow Bridge, which we all have been pushing for, for a long time. I have gotten a few phone calls on this from people saying that they use that bridge as a means of getting to and from downtown from the East End. I sometimes do as well, worried that it's going to add to their commute time, well it will. Unfortunately, it's going to take about 12 to 18 months.

It's going to be an inconvenience, but if we didn't do this bridge, there will be a much greater inconvenience, because this bridge is in terrible, terrible condition. I know it's going to be an inconvenience for at least a year, maybe 18 months, but at the end of it we are going to have a brand new reconstructed bridge which is very very necessary.

The Chair:

You talk about lawsuits. I drive that everyday. You talk about a bridge and a road; we are lucky it hasn't fallen in yet.

The Chair:

All in favor of the passage of the bills vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES Nine NOES None

Bills have received the legally required number of votes and are passed finally.

The Chair:

Under motions and resolutions.

MOTIONS AND RESOLUTIONS

Mr. Ferlo:

Thank you, Mr. President. You and I attended a meeting on Monday morning with community representatives from the East End on neighborhood forum and as well the union officials and rank and file workers from the Nabisco plant in East liberty. I think it was an important meeting and basically it is a call to arms unfortunately once again to try to save the Nabisco plant.

We in this Council a few weeks ago unanimously approved a resolution showing our show of concern and support for keeping the East Liberty Nabisco plant working and baking. We have over 350 workers and many more when you count

family members that are effected by potential plant closing or job loss. We have a major national company Nabisco, Nabisco Holdings; many of us recognize Nabisco because of their products.

Certainly we all love the East Liberty products, the Ritz Crackers and the Ritz Bits. But when you look at the magnitude of this corporation, you are talking about a seven billion dollar company that produces everything from Planters Peanuts to Lifesavers to Chips Ahoy, to Fleischmann's margarine, Parkay, Cream of Wheat and there are just hundreds of other products some of which are not even marketed locally. So they are part of a very large food family that we want to keep working.

This will be the last major bakery in the Pittsburgh area should it go under the knife. We have lost the North Side Baking Company, Braun's and hundreds of other plants it seems throughout Pennsylvania. We don't need to lose the Nabisco plant. It is not only a substantial building, part of the East Liberty community, it is a building and a company that has strived and thrived successfully in Pittsburgh for over 80 years.

It is high paying, well paying jobs, jobs with benefits, jobs where people can actually afford to buy a Pirate and a Steeler ticket if they are given the opportunity and we don't need to lose these jobs.

The meeting was important, I think, Monday morning because it began to recognize how we can either sit on our hands locally or try to speak up a little bit as we did in '83. I don't know if we will be as successful as we were in '83 but I

think the rank and file is concerned was that we at least have got to try.

Accordingly with your support, and I know all of Council has expressed their concern also. We will be having a public community forum a labor and community rally, a show of support, and concern for the East Liberty Nabisco workers and their families this coming Friday night at the Teamster's Temple, on Butler Street, 4701 Butler Street in Lawrenceville at 7:00. We are asking people from the community and not only the family members and workers who might be effected by any potential plant closing, but really Nabisco is part of Pittsburgh. It is as much a part of Pittsburgh as the Pirates and HJ Heinz and a lot of other things that we recognize as being Pittsburgh.

I think we need to really make it clear to the Nabisco Company, Mr. Kiltz (phonetic) the new CEO in particular because there is somewhat of a contradiction. Nabisco is saying well they want to eliminate 3500 jobs and close plants because we need more money to market the product. They are about to market a product after wiping out a workforce and going into a region where you are going to hurt marketing sales because of the bad taste that a company's actions would leave in the mouths of many consumers throughout Pittsburgh and Western Pennsylvania.

If Nabisco plant closed in East Liberty, it is highly unlikely now let alone if we actually organize that people would even buy the product in the future. That has been the case with many other companies that left the region only to see consumer sales drop off.

So we want to send a positive message to the Nabisco company representatives not only Friday night, I know the Mayor himself is taking the time rightfully so to communicate to Nabisco. He has made it clear that if there are any issues involving plant modernization or upgrade or anything that the administration and this Council can do to be helpful, and we want to thank him for that intervention. I hope he will take time if he is available to come out Friday night as well as my colleagues.

I also think we have to send an advocacy message to Nabisco that they shouldn't think that they are going to close and ruin the lives of a few hundred families and then come back into the region and sell their product. It is not going to work.

We have a great product being made there; there has been plant modernization over the years in the Nabisco plant in East Liberty. The workers themselves through the Union agreed to significant changes in the way that they produce and work as a personnel unit. They have agreed to every conceivable efficiency activity. In fact for the last nine months in a row the workers of Nabisco have had the least amount of spoilage and breakage as I think they call it meaning broken cookies and crackers so they have set industry records within the Nabisco family.

So for a lot of reasons this is not the bakery, this is not the company to be closing. It obviously would have a devastating impact on a lot of people's lives. So, we are asking people to come out in support of the Nabisco families, the product, all that Nabisco represents to the

Pittsburgh community this Friday night at the Lawrenceville Teamster's Temple.

But as well, we have already communicated and I have already chartered a bus. We want to take a busload of elected officials and community leaders, leaders from the religious community, labor, community at large and we are going to have to go to Parsippany, New Jersey. So we have chartered a bus. We are trying to finalize a date in which the company representatives will hear a presentation from us.

We want to go to New Jersey and we want to impress very strongly and very clearly how important this product and how important this factory is to the lives of so many Pittsburghers.

So in addition to the rally we have other actions planned. I know you have been very supportive. Councilwoman McDonald in particular and all of Council members and I think we just need to pull together and give it our best shot. But if there is going to be closing, we don't want it to be the Nabisco plant here in Pittsburgh.

Mr. Cohen:

I just want to show my support. It would be a tragedy if we lost Nabisco; it really would be. To those 350 families but also to the economic development plans for East Liberty and the whole East End. It would be just a tragedy.

So I thank Councilman Ferlo and Councilwoman McDonald and you President O'Connor for putting together this rally. We should do everything we possibly can. I intend to attend the rally.

If we have to go to Parsippany, New Jersey, let's do it. That's such an anchor for East Liberty and the East End, it would be a real tragedy. So I don't know if any of this would help, but it certainly is worth trying.

Ms. McDonald:

Yes, I commend Councilman Ferlo for always having taken that lead in terms of keeping Nabisco here. He has done it before and we are back to the table. Unfortunately, we are back to the table with the same dog gone issue, with Nabisco possibly leaving and the workers mobilizing to be able to save the company, save their jobs. 300 families that's a lot of folks out of work in the City of Pittsburgh, and in the surrounding county.

What I would ask Councilman Ferlo is where are the negotiations? The status in terms of when will the company decide if they're going to shut any plants down? When will that be?

Mr. Ferlo:

The best we can determine from the meeting Monday, it is clear that the company has already made pronouncements to the Wall Street Journal and to the whole corporate community that they are going to go into a period of entrenchment of at least 6% of plant closings and their work force, which roughly is some 3500 jobs if we use the East Liberty Bakery as an example. 350 jobs into 3500 we are talking about more than one bakery then around country.

So you're talking a number of communities could be Niagara, New York, it could be Richmond, Virginia, it could be

places in Texas, California. There are a lot of plants. But that level of reduction or they used the word retrenchment you are talking about a significant job loss in plant reduction. The nearest we can tell is they probably will not be making any formal pronounced decision until the latter part of July.

We don't want to sit on our hands or our ideas to make it clear and whatever appropriate way from the Mayor intervening and letting Nabisco know that if there is any thing that they need from us as a municipality, if they want a new and improved plant if that's their thinking, despite the fact that we have a modernized plant. The community mobilization whatever it is that we need to do we are trying to mobilize that.

But at this point we don't anticipate any formal announcement until the third week in July by Nabisco from New Jersey. We certainly would want to impact their decision making in this interim period. Once they make an announcement it is going to be a lot harder to get them to change their minds.

Ms. McDonald:

What makes the East Liberty plant always susceptible to be on the chopping block when it comes down to downsizing?

Mr. Ferlo:

I don't think it is that the City --

Ms. McDonald:

What is it that we can help too as a Council body, we can rally --

Mr. Ferlo:

I don't think in this case it's the East Liberty plant at all. If anything I think the East Liberty plant has set standards within the Nabisco family for production and efficiency. That's been demonstrated even within the Nabisco, the internal workings of Nabisco as a company.

I have always applauded the East Liberty workforce and the fact since the '83 closing there have been a number of modernization's on the 7th floor building there in East Liberty. Each year the work force sets production records and quality records that they're given awards for.

I think what you have basically is no different than any other part of the American economy. Major corporations want greater profits and they want it at the expense of less workers and less plant and facility. I don't think Nabisco as part of the food industry is any different than other parts of the manufacturing community that have adversely effected the lives of working families here in the region. Particularly within the cookie wars that are going on, I guess if you call it that.

Keebler is a national company has made a lot of headway, partly because they have spent a lot of money on marketing. If anyone watches TV every day, sees Dave Thomas from Wendy's on I think add nausea every day you can imagine how much he spends on marketing. Nabisco has not done that for half a decade. They are taking a loss of the supermarket shelves.

I think there is a whole series of

issues involving the cookie and cracker industry of which there is competition even outside of the Nabisco R J R Holdings. But it does seem somewhat of a contradiction that you're going to spend more money on marketing at the expense of wiping out a whole community like Pittsburgh. That doesn't sit well with me.

So I am hoping that we can meet with the company officials and reiterate our concern about how important Nabisco is here.

Ms. McDonald:

I appreciate it. I will not be at the Friday event at the rally at seven o'clock p.m. at the Teamsters Hall, but they will be receiving a letter. I would say the entire Council body probably needs to generate some type of letter of support to keep -- no different than we did for LTV. It wasn't that many more jobs. You're doubling the jobs; we are talking 300 jobs.

Mr. Onorato:

I will be out of town Friday, so I can't be there, but obviously it has my full support. But I still don't have the whole picture here. I don't understand what the administration is doing. They might be doing a lot. Is someone going to give us a briefing on what the economic development status is coming out of Mr. Steve Leeper's Officer and URA the combined URA, are there current negotiations going on with Nabisco? I haven't been briefed on anything.

Mr. Ferlo:

We have a meeting tomorrow with the Mayor I think on Plan B, and we are

going to meet about Plan N, Nabisco also tomorrow maybe.

The Chair:

The Mayor's Office had a representative there and he's in contact with the company. I have made personal calls. I have talked to the Vice President, I wasn't able to get the President last week. But our Plan B scheduled meeting tomorrow, Jim and I have asked the Mayor to bring this up, Plan N which makes this our first topic of our subject so he can give us a briefing of where he is at.

Mr. Onorato:

I guess my concern here and it is all great that everyone of us can write a letter and call the president of Nabisco but we are still only one of nine Council people.

What I want to see -- I don't see any rapid response team that exists from the Governor's Office down. While it's nice that we're bringing in a Home Depot and we are trying to travel all through Europe and the far east to bring in businesses here, we have some major corporations right now that are going through some major downsizing and reorganizations due to this new economic global competition. I don't see any strong effort made to stabilize what we have. LTV a few months ago, Nabisco now.

If someone would say to Council tomorrow I am going to bring in a bakery with 300 some union jobs, we would be doing three TIFF's, giving away land, building new buildings. But because this happens to be here, it doesn't seem that we paid attention to it. If we are, I think we

have to -- someone has to tell us. It shouldn't be that a Councilperson whose district it happens to be in has to make a call to the President, that's not enough. The Governor, the Commissioners, the Mayor, the URA, we need rapid response team to deal with existing corporations.

Between the '70's and the '80's we lost so many good paying jobs with corporations that employed thousands of individuals. I don't just mean the steel industry, I am talking a lot of other industries, be it Braun's Bakery on the North Side, Alice Shalmers ((not sure)) on the North Side, I can go on and on and on. Now we have Nabisco. LTV is going.

Yet, we are getting excited because we start Galltech (phonetic) which started with some 80 some jobs. I am glad we did, and there was a lot of public financing of that particular company. But is there any discussion of the URA, of the Governor's Office come in and talk with the President of Nabisco or the parent corporation and say what exactly are you looking for? What can we do to help you modernize this plant, stabilize this plant?

Because there is a bigger benefit to us as a community. I don't see that happening anywhere. The bus tour is great, the letters are great, but until we get briefed on this and maybe it is happening, I will give it the benefit of the doubt, maybe it is. But I don't see it and I haven't heard of it.

This seems to all of a sudden be creeping up on us. I don't want to have another LTV situation where we find out and it's too late. I hope we do get briefed on this particular case but there are other companies out there too. I would hope

that we are willing to stay in the game and play to preserve these types of jobs.

Mr. Ferlo:

We specifically asked the Mayor to try to come Friday night and speak to the gathering and indicate to the public his intervention and the extent of his involvement. I agree with you, I am taking the Mayor on his word that he's called. He is very concerned and he will be very active as a chair leader for this Nabisco plant and their families and the workforce.

I am hoping that Mr. Leeper will prepare whatever he needs to prepare and the Mayor will communicate to whomever they need to communicate to make it clear that one way or the other we want to keep this Nabisco plant baking here in the City of Pittsburgh.

So, I am hoping that that is proceeding and that maybe by Friday night the Mayor will make some announcement or at least indicate his level of commitment and support. We need to pull together as a community collaborative on this issue. I think the Councilman is right, it should be full court press and we need the Mayor specifically helping us to lead us on this effort.

The Chair:

We will, I agree with everything you said Mr. Onorato and we will have an answer by tomorrow. That is why we want to have a briefing. We had our labor leaders there yesterday. I am really urging all the people in Pittsburgh to take a hard look at this. This is different than some of the arguments I have heard. Well they are

making too much or they don't work -- the productivity is not so good.

This company has the same wages acrossed the board. Niagara Falls, Richmond, has the same wages as Pittsburgh and we happen to have within an older plant better productivity. So, this is a challenge, this is the type of thing that I think is like us against them. This is the Steelers versus the Browns. We have to all come together, roll our sleeves up at a taskforce.

I have not been known as an activist, I certainly want to work behind the scenes and generate working with the owner like we did with LTV, but Mr. Ferlo is changing my mind and this Friday I am urging everybody to get a rally, it is a positive rally.

Bring your friends, bring your relatives, bring your Ritz Crackers, and show the support for this company. I know Ms. McDonald is going to bring her whole neighborhood out that she can get. We are sending out post cards to urge people to attend, to be there. We are going to have every public official there. If they aren't there, they had better have a good excuse why they aren't there. We have invited from the Governor, all three commissioners, our state representatives, legislators and all the Council members.

So we expect a show support rally that has never been seen in this town before. After that we will go; Mr. Ferlo is renting a bus, if we need a plane tomorrow. After I meet with the Mayor tomorrow, if he wants to go tomorrow afternoon, we should go and see these leaders and make sure there are eleven companies, eleven factories and we don't

want to be the one that gets nixed.

That company has been there, people can walk to work, it is just what Pittsburgh used to be and we are going to roll up our sleeves and fight this company. So, we are all going to work together. I urge everyone. I know my colleagues will all be there, I urge all of the general public to come out, the media to be there to show that we support our own here.

We are going to beat Richmond and Niagara Falls. We don't want to lose to these companies. Pittsburgh is within our market, where we are, is within 53% within a 500 mile radius, within 53% of the people of this country. So, if they want to buy and use the products, they should be made here. It is a great location; we have urged the URA to attend.

If they need new plants, if they need new facilities -- The only negative thing I can see is this thing is on seven floors opposed to a new plant. It is only running at about 80% of capacity. They could add another shift and make more products.

So there is an opportunity here for us to show this company we support our products and let's start buying more. We are going to go the Shop'n Saves, the Giant Eagles, and make sure they support it, they put the products out and get behind this effort.

So, I guess we are years behind eighty-three or so when you did this the last time, Mr. Ferlo, and to your credit you rallied the troops before. I hope we can have the same success you did in the past. But we are not going to do it without a joint effort from everybody. I urge

everyone in Council and bring all of your neighbors, every working man and women in this city and managers too should be at this rally.

It is Friday night, seven o'clock at the Teamster Hall, this Friday. I know it is a tough summer weekend, but it is only going to be an hour. The more people who show support, I think the better chance we have of keeping this company here.

Mr. Cohen:

Thank you, President. That's the kind of pep talk we need. Just the one point about the Governor's Office, I haven't heard anyone yet say that the governor has personally intervened in this. We need the Governor to personally intervene. It is an election year, I think we can get him to do this. We just need to make the right contact. I don't know if that is from Mayor Murphy or whomever but this is that big that I think the Governor needs to step in personally. I would like to work with you to see how we can do that.

The Chair:

I believe the Governor has to step in to challenge up to him too. He rose to the occasion with LTV, he really did an outstanding job. Philadelphia got 400 million for the Naval Yard to bring new businesses in, we all support that. He will come to the plate, we will urge him.

I don't know where he is exactly, we will know by the end of today so the Mayor can brief us of what we have to do.

Ms. McDonald:

I would like to make a motion to cablecast the Public Hearing scheduled for Thursday July 23 at two o'clock p.m. here in City Council concerning the Manchester Youth Development Center. The new charter school that will be located at 1214 Liverpool Street.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Tomorrow morning we have a briefing on Plan B at nine fifteen in the Mayor's Conference Office and he will address this. He can be ready to hopefully update us on the Nabisco.

I need motion to approve the minutes.

Mr. Onorato:

Different issue real quick. The Zoning Code, we have a tentative date for the first round of discussions. I will confirm this in writing after I confirm it with Councilman Udin. I talked to him already, he's going to check his schedule, but Thursday, July 16 at 1:00 that will allow us to recess the Wednesday's Standing Committee Meeting, we move into Thursday at one o'clock and Council then can start reviewing the amendments.

We might end up with like during the budget process where we have two preliminary rounds of voting on the amendments and then go into the final vote to clean up the amendments. But tentatively right now, Thursday, July 16 at 1:00.

It will be a recessed Standing Committee Meeting, it is not a Public Hearing, not a Post Agenda, it is for Council members to actually discuss this bill and all the amendments that go along with the bill.

The Chair:

You're presuming we can vote some up or down if not worked out?

Mr. Onorato:

Yes, the idea is to address all the issues through amendments that -- and this is to address Councilman Ferlo's point of view, that any Councilperson brings forward.

If a Councilman does not present the amendment, there won't be amendments from the public; they have to come through a Councilperson. That is clear, this is now in Council's hands and for anybody on the Realtors side, on the community side, you can call my office or call your particular Councilperson and ask if you can get an amendment presented. I am sure you will find somebody receptive to present it and we vote it up or down and we will keep moving on.

The Chair:

Any other discussion?

Hearing none, I would like approval of the minutes.

MS. MCDONALD moved to approve the minutes.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Motion to recess this meeting until tomorrow, Wednesday, July 8 after the Standing Committees Meeting. Mr. Ricciardi has requested that and I believe he is right. We are trying to help some of the businesses on the South Side who have waited six months for their patio permits. Hopefully we can have final approval on a couple of them tomorrow.

Mr. Ferlo:

Can I ask a personal favor and Councilman Hertzberg would agree. I have been working for over six months on the Exxon station at Butler and Baker near the Zoo to do a major new store there. Part of it involves a vacation of Ballard Way, which has finally now come to the committee. It got introduced today, is it possible we can waive Rule 8 and also move on that and also since we are going to do this Tuesday vote tomorrow?

MR. FERLO moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

That bill number is 610.

Do I have a motion to recess this meeting until tomorrow?

MR. ONORATO moved to recess the meeting.

MR. COHEN seconded the motion.

And on the motion of Mr. Onorato, the meeting was recessed.

ADDENDUM

The Chair:

We are reconvening our recessed Legislative Meeting of July 7, yesterday. This is under Public Works, Water and Environmental Services, Mr. Hertzberg Chair. Do you want to read the bills.

MR. HERTZBERG PRESENTED:

Bill No. 619:

Report of the Committee on Public Works, Water and Environmental Services, for July 8, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 607:

Resolution granting unto Breugger's Bagels of 1801 E. Carson Street, Pittsburgh, PA 15203, an encroachment to construct, maintain and use at their own cost and expenses, a Sidewalk Café, in the 17th Ward, 3rd Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 608:

Resolution granting unto George Haritos of 123 Linden Street, Pittsburgh, PA 15208, an encroachment to construct, maintain and use at his own cost and expense, a Sidewalk Café in the 16th Ward, 3rd Council District, City of Pittsburgh.

Which was read.

Also,

Bill No. 610:

Resolution vacating a portion of Ballard Way between Baker Street, and the Zoo Parking Lot in the 10th Ward, 7th Council District, City of Pittsburgh.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Hearing none, bills are now ready for final action. All in favor of the passage of the bills, vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Diven	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin

Mr. O'Connor
(Pres't)

AYES Seven **NOES** None

The bills have received the legally required number of votes and are passed finally.

The chair:

Do I have a motion to adjourn?

MR. ONORATO moved to adjourn the meeting.

MS. MCDONALD seconded the motion.

And on the motion made by Mr. Onorato, the meeting adjourned.

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED THIRTIETH COUNCIL

BOB O'CONNOR.....President
LINDA M. JOHNSON-WASLER....City Clerk
JOHN A. MASCIO.....Deputy City Clerk

Pittsburgh, PA
Tuesday, July 14, 1998

PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Diven	Mr. Ricciardi
Mr. Ferlo	Mr. Udin
Mr. Hertzberg	Mr. O'Connor
Ms. McDonald	(Pres't)

The Chair:

Please stand for the pledge of allegiance and remain standing for a moment of silent prayer. I would like you to remember in your silent prayers Eric Hertzberg who is in intensive care, the brother of Alan Hertzberg. Alan will not be here today and we all wish him the best.

For our pledge of allegiance we have two students, Jilliam Krywicki who is in the fifth grade at St. Basils and

accompanied by her parents, and Bridgette Fauth is in the fifth grade at Carmalt School in Brookline. Will you two please come up and lead us in the pledge?

Jilliam Krywicki and Bridgette Fauth:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands one nation under God indivisible with liberty and justice for all.

The Chair:

Thank you ladies. I have a present for you, a flag of our city and country for you. I would like to get a picture.

Mr. Cohen has some very special guests.

PRESENTATIONS

Mr. Cohen:

Good morning everyone. I would like John Rahaim and Eloise Hirsch to please come to this podium.

We are going to honor a fine public servant this morning. Members of Council and members of the audience, the City of Pittsburgh is going to suffer a deficit. For once I am not talking about a financial deficit, I am talking about a human deficit. That is the departure of John Rahaim from his employment with the City Planning Department.

For 15 years John Rahaim has exemplified the best of public service. There are many people here who worked with you John. I would like before we actually read the proclamation to ask the members of the Planning Department staff to stand up who are here to see you off, John. Thank you very much for coming this morning.

John has worked very closely with this Council as well. When I personally was first elected to City Council, John was also a constituent. I had the opportunity on several occasions to the talk to him near his house.

John has overseen so many different projects in the last 15 years. It would take us this entire Council Meeting to mention all of them. But more important, from my perspective that is the way that John approached each one of these projects. He did it in a professional way.

He has a remarkable ability to work with developers and with neighbors and to resolve differences. He's worked very well with this Council. I think he's displayed a remarkable commitment to Pittsburgh. With that I would like to read his proclamation.

MR. COHEN AND ALL COUNCIL MEMBERS PRESENT:

No. 620 WHEREAS, as a member of the Planning Department of the City of Pittsburgh in various capacities for the last fifteen years, John Rahaim has been responsible for overseeing all design and development review, physical planning, and urban design work for the City of Pittsburgh, including supervising the urban

design, preservation, and environmental planning staffs; and

WHEREAS, John Rahaim has managed urban design projects for several City neighborhoods and redevelopment plans for large sites; and

WHEREAS, John Rahaim has expended tremendous time and energy in directing the first comprehensive rewrite of the City's Zoning Code since 1958; and

WHEREAS, John Rahaim has demonstrated an uncommon ability to promote development while being sensitive to neighborhoods and to work with both developers and neighborhood leaders to resolve disputes in the best interest of Pittsburgh; and

WHEREAS, throughout these 15 years, John Rahaim has exemplified the finest qualities of public service, through his talent, his energy, and his extraordinary commitment to his community.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends and thanks John Rahaim for 15 years of excellence and outstanding service to the City of Pittsburgh; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares July 14, 1998, as "John Rahaim Day" in the City of Pittsburgh.

MR. FERLO moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Cohen:

Now I know this is a little bit anticlimactic for John because he had a going away party at the Byham Theater. I want you to know that the lights were lit up at the Byham Theater and it said on the marquee arrivederci John because he is heading off to Italy. But before he does that and before we actually give him this proclamation, I do want to ask Director Eloise Hirsch, his boss, to say a few words.

Ms. Hirsch:

Really just a very few words, because I know that each of you Council people have worked with John over the last -- at some point in the last 15 years. He has been an extraordinary public servant because he always thought about the public and not just public people, but the public space. Every developer that John came in contact with went away believing that the City of Pittsburgh cared about development but also cared about quality. Every transaction that John was involved in was the better for it. Every design that John was involved in was the better for it. Our city looks better because John was here. We are all going to miss him.

Mr. Cohen:

I am sure other Council members want to speak.

Mr. Udin:

I want to join in this long line of praise. I wasn't able to make it down to the Gala affair that you had down at the Byham Theater but I want to share with

you my own personal testimony and appreciation of the quality of work and the dedication to a high level of public service that you brought. I have worked with you on a number of occasions and projects. You were always very patient and informative, always well informed and kept the best interest of the public always in front.

We will certainly miss you and we have some big shoes to fill.

Mr. Ricciardi:

Thank you. John, I also would like to echo the sentiments of City Hall in this case and thank you for your professionalism, your hard work and dedication. The City of Pittsburgh has truly benefited from your intellect and in particular my district, all of the neighborhoods in my district, but especially the time and effort that you put into Carson Street in the South Side.

It's truly a success story, but it took a lot of people behind the scenes working a lot of hours and a lot of people. I really want to thank you. I know I attended several meetings with you at the South Side local development corporation. I was always duly impressed. That is why I took a backseat and let you do all the talking. So congratulations.

Mr. Onorato:

I have had the pleasure of chairing this committee for the last three years. John, I had the opportunity to work with you in private meetings, smaller group meetings and I want to thank you.

One thing I have experienced what

you have done very well watching you is balance the different interests in the room. One, you had to deal with nine different interests here any time something came in front of Council. More importantly, you always had to deal with the community group versus the developer. The conflict that is always out there.

I believe you have handled that in such a great way that the art of compromise was achieved. We are pretty close to the final stages of probably your biggest project here and that is the redraft of the code. I look forward to bringing it to conclusion through my committee. But, I do want to point out that up until this point you and the Director in your department have done a great job in bringing this product to the point where it's now. You should be applauded for that.

I think the city will definitely miss you. It is going to be harder to replace the knowledge that you had there. I want to wish you well; I apologize for not making the event, I too was out of town. While I was disturbed to hear that you are leaving the city, going to Italy might be the only place that I will excuse you for, but we will give you permission to go there.

But once again I want to wish you well, and I do want to thank you for your years of service in the City of Pittsburgh.

Ms. McDonald:

John, I want to add to that and say that I have appreciated your honesty, your forthrightness. When I have had questions that I have posed to you that you answered them in a manner that I can clearly understand what the heck is going on and

how it can be resolved and just kind of being very honest about it.

I only have one question, John, I don't see a vowel on the end of your name, do you speak Italian? We want to make sure you continue to do a fine job. You do.

Mr. Rahaim:

I will soon.

Ms. McDonald:

Congratulations and much success.

Mr. Ferlo:

I know you don't speak Italian but I know you think Italian. You have made a great contribution to the esthetic quality of our communities and livability of our city and it's been a great pleasure working with you over the years.

As evidenced by your co-workers that are here today and the comments of the Director I think obviously you have tremendous respect among your peers and professionals. I think that is one of the best qualities that you could leave in the city.

I hope when you come back from Italy you will consider reentering either municipal planning, governmental work, institutional work or if you go out and venture into the for profit arena, that you maintain the esthetic commitment and qualities and contributions that you have made to the livability of our city. We just want to thank you for a lot of hard work.

Mr. Diven:

I am the newest member of Council and only being here a few months, I haven't had the good fortune of working with you. But that doesn't mean as a Council member I am not going to miss you just as much as the colleagues that have already spoken very highly of you.

I think one thing you need to know is you always have a home in Pittsburgh. One of the good things about being in Public Services is knowing that some day you can come back to Pittsburgh and ride through our streets and know that you played a part in changing the surface and the environment of our community.

So when you are off trotting around the world just remember that Pittsburgh is a good place to be and hopefully you will come back and call it home.

The Chair:

I have a question for you. Are you going to visit for a while or are you going permanently?

Mr. Rahaim:

I am going semi-permanently. I will decide what to do later on.

The Chair:

Congratulations again. Thanks for all of your support and help over the years. Again, I think it's very outstanding to thank all of your team for coming out and it shows the respect and admiration everyone has for you.

Mr. Cohen:

We can't end this by John just saying a few words. Obviously this is unanimous. This is sponsored by every member of Council, John. Thank you for your hard work.

Mr. Rahaim:

Thank you to all of Council. I really appreciate this. I just want to say that it has been my great pleasure to work with really an incredible group of people in the Planning Department. I think the Planning Department staff is one group of outstanding professionals that the city really can be proud of. I really will miss that more than anything, working with an incredible group of people.

I really want to thank Council for this and for all the support that you have given to the Planning Department over the years. It will long be remembered. Thank you very much.

The Chair:

Thank you very much, John. All those members can go back to work. Thanks for coming down.

Mr. Diven:

At this time I would like to bring up our special guests from Phillips Park, both teams if you would like to come up?

Colleagues, I would like to recognize Coach Mark Bolla and Chuck Stover for their hard work. You can remember back in February we came in front of you and we begged and pleaded to Council to allocate an additional \$400,000 to construct the new facility at Phillips Park. This is kind of a progress report to

let you know what type of an investment we are making in the future of our communities.

With us today we have two championship hockey teams from the Phillips Park area who for the last few years had to practice at Concord Elementary. But with the construction, I am sure we are going to be able -- they're already champions but we are going to be able to take them to the next level.

So let me read the proclamations. There are two teams so we have two proclamations.

MR. DIVEN PRESENTED:

No. 621 WHEREAS, on June 8, 1998, Phillips Park 11 and 12 year old deck hockey team won the first Citiparks-B.I.G. Hockey Championship at Neville Deck Rink and,

WHEREAS, Team Phillips were led by offense captains Harry Bialicki and Dave Dienert, Jr. and wingers Steve Heinecke, Corey Helpert, Doug Englert, Timmy Tagmyer, Jamin Gross and Eric Berringer and,

WHEREAS, the defense was led by M.V.P. Kevin Peters with teammates Shawn Bialicki, Steve Bronder, Don Clark, Danny Giel, Billy Seelhorst, Mike Miller and the best goalie in the league, Justin Ritz, finishing the regular season tied with Ormsby Recreation Center for first place - both with a five and one record and,

WHEREAS, Team Phillips, being seeded second beat third place Team Springview in the semi-finals and earned a

chance to play Team Ormsby in a best of three championship series and,

WHEREAS, after splitting the first two games, Team Phillips played it's best game of the year to win 6-2 for Team Phillips first championship in hockey.

NOW THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh does hereby congratulate Team Phillips on their first championship win and also extends their thanks to the coaches and parents for their dedication to the team.

Mr. Diven:

I also would like to recognize Justin Levey as a member of that team as well. The second proclamation for the nine and ten year old team.

Also,

No. 622 WHEREAS, Team Phillips, a deck hockey team consisting of 9 and 10 year old boys and girls from the Carrick, Overbrook and Bon Air communities was founded on March 26, 1998 and,

WHEREAS, from May 6 to June 8, 1998, Citiparks held their annual city-wide deck hockey tournament and,

WHEREAS, Team Phillips, led by coaches Phil Krywicki, Dave Fauth, and Bernie Switala completed a perfect regular season with a record of six wins, zero losses, defeating Tea Springview two games to zero to win the championship and,

WHEREAS, Team Phillips offense, led by centers Mike Seelhorst, Aaron Hahne and Jordan Kolenda and wingers Mike Kirk, Daryl Jenkins, Chris Mackin, Bridgette Fauth, Jillian Krywicki and Bradley Dudich, average 7 goals per game and,

WHEREAS, Team Phillips defense led by goalie Shawn Gruendl and defensemen Steve Wojsovich, Vince Bruno, Mitch Hahne, Nick Kelly, Dustin Rompala and Zack Hillgartner allowed only one goal per game.

NOW THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh does hereby congratulate Team Phillips on their championship win and extends their best wishes for another great season next year.

MR. FERLO moved to adopt the resolutions.

MR. UDIN seconded the motion.

Which motion prevailed.

Mr. Diven:

With your help, colleagues, we have allowed for the construction of the new facility and with the assistance from State Representative Harry Readshaw. So hopefully they will be in the new facility next year. I am sure they are going to be able to field a much stronger team and much more practiced team.

So I want to thank you for your help. I think this is part of the investment that we as a city have made in the future. Citiparks has done a great job in putting together some very worth while projects.

I want to call up the coaches and give them the opportunity to say a few words about the team and, maybe someone from the team would like to sum up their season.

Mr. Bolla:

I am Mark Bolla. I coach the 11 and 12 year old team. First of all I would like to thank Councilman Diven and the rest of Council for recognizing the kids here. This is something they are going to take with them the rest of their lives.

They will remember coming up here and meeting you guys and this is something that we at Citiparks feels it is something we want these kids to do in the communities. This takes something from us and help mold them into the kind of people we want to live in the city and things like on that order.

But again, I would like to say that the most important people to thank are the parents because without them we couldn't do what we do up in Phillips or any department. They're as much important and a part of what goes on in the rec centers and with the help -- I have just been moved over to Bloomfield since all of this has taken place. If I get half the help that I have in Phillips Park with this program, we are just going to go, there is nothing that can stop us.

I want to thank City Council for everything they have done for Citiparks and for Phillips with the building of the center. Thank you.

Mr. Stover:

First of all I would like to thank

Council for everything they did for Citiparks. Especially Councilman Diven for securing the extra money for the gym. It's spectacular, is the only word to describe the new facility. When everyone sees it they're going to be impressed. It is going to help these guys and these guys are the most important people right now, they are our future. They're what the city is going to be.

I would like to thank our parents. We have tremendous support as you can see; all these parents are out here today taking days off or whatever. Thank you guys.

Mr. Diven:

The next question who is going to speak for the teams? Tell us about your season.

(Speaker)

I would like to say thank you to the coaches because they taught us the most we know and for the program that they have up there. Thank you.

(Speaker)

I want to thank the Council for letting us do what we can do.

The Chair:

These two want to say something. What position do you play? How many goals did you score?

Bridgette Fauth:

I play offense. No goals.

Mr. Bolla:

These two girls play hard. They are just as physical as the boys. Some of these boys would go along with that. They got banged around by them.

The Chair:

What position do you play? How many goals did you score?

Jillian Krywicki:

Offense. No goals.

Mr. Diven:

I want to thank you guys and congratulate you on the great season. We look forward to bringing you down here every year to receive a proclamation on behalf of the city.

I thank you for running some excellent programs out of Phillips Park. I know that the community is really impressed with the work that Citiparks do. Council would just like to echo its sentiments that we support you and we hope to continue that support in the future.

Mr. Onorato:

At this time the individuals here with the ISDA, and the Italian Day Celebration. With us Judge Patrick Tamalia, he is coming forward. He is also the National President of the Italian Sons and Daughters of America. We have Flo Spagnolla a National Counselor of the Italian Sons and Daughters of America, a Vice Chairperson of Italian Day Children Committee. We also have Mary Caproccio in the audience a National

Counselor with the Italian Sons and Daughters of America, and Mike Acquaviva in the audience too with the Union.

I am going to read the proclamation. Let me say briefly a few words. Councilman Hertzberg also worked on this proclamation with me. Our prayers do go out to his family right now, he can't be here for obvious reasons. But I want to thank the ISDA for this particular event. There are a lot of events through out the year. But I want to make it clear, this is not just about Italian Day at Kennywood where the Italian Community celebrate its ethnic heritage and goes to Kennywood for a day and has a picnic.

The real story here which seems to get lost in the shuffle but which should be told is the 900 children with special needs that the ISDA takes every year free through the events that they raise the money. They give these children a full day at Kennywood Park. Some of these kids have severe special needs. I think ISDA should be applauded and all the volunteers that serve the lunches and take them on the rides. The unsung heroes whose names we never hear. I want to thank them personally.

I want to read the proclamation and we will hear from Judge Tamalia and Flo.

**MR. ONORATO, MR. HERTZBERG
AND ALL COUNCIL MEMBERS
PRESENT:**

No. 623 WHEREAS, Tuesday, July 21, 1998 is Italian Day at Kennywood and may be one of the most joyful days of celebration for Italian Americans in the area; and

WHEREAS, the tradition of Italian Day at Kennywood began in 1935. This is the 63rd year of its existence and is a day of reunions and rededication to family heritage; and

WHEREAS, this day is a time to honor immigrant parents through an old-fashioned celebration. Old friends have a chance to meet again, relive the good old days and "remember when"; and

WHEREAS, Italian Day at Kennywood pays tribute not only to Italian American family values but also to all families. The large number of families attending the event each year attest to the love of family by all Pittsburghers; and

WHEREAS, the Italian Sons and Daughters of America elevates the status of this annual event by hosting 900 special needs children from many of this area's institutions and homes including Allegheny Valley School, Citizens Care and Holy Family Institute. This event is supported by ISDA fundraisers throughout the year; and

WHEREAS, the Italian Sons and Daughters of America take great pride in hosting their special guests who are assisted throughout the park, treated to meals, given spending money, assisted on Kennywood's many rides and in general are given an opportunity to enjoy a special day at Kennywood.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby thanks Judge Patrick Tamalia and the Italian Day committee of the Italian Sons and Daughters of America who make Italian Day at Kennywood an annual event. It is only through their hard

work and effort that this fun filled family event is possible.

MR. FERLO moved to adopt the resolution.

MS. MCDONALD seconded the motion.

Which motion prevailed.

Mr. Onorato:

Once again, Judge, I want to thank you and all of you, those great great volunteers that come forward every year to provide this opportunity to these children.

Ms. Spagnolla:

Thank you. I have been there almost half of those number of years. For 35 years I have been a volunteer. It has been my greatest privilege to help these underprivileged and handicapped young people. I know that's not correct, but you know what I am saying.

We love them. They have become part of our families. They refer to Italian Day at Kennywood as their vacation because they have so little opportunity to be out in an amusement park. This is their only vacation day of the year. So, we are privileged to do this for them. We thank you for this recognition.

Judge Tamalia:

Thank you. We come here frequently; just about every year that we present the children at Kennywood. We have been doing it for a long time. I have been coming to this City Council for a long long time. People who are long gone like Mayor Barr and Governor Lawrence

and Frank Lucchino who is on the other side of the street, maybe not too friendly with some. He wasn't too friendly sometimes when I was here. But I came in here as a Juvenile Court Judge and tried to get community programs and he would give me a hard time. But he was a great guy.

This is so important because it really is the community being taken care of by its own people. I just have a little article. I would suggest you political types to get this article. It is in the June 25, 1998 Pittsburgh Post Gazette. It reports the work of a private committee headed by Senator Nunn all of whom you know, former Senator Nunn and William Bennett and it has to do with and it is titled the National Commission on Civic Renew.

What they're saying because of TV and what is going on in this country today, between 1972 and 1996 there has been a 25% decline in endeavors by the people to be involved in the community. They're saying if we are going to do renewal that people have to get involved again. They got to turn away from TV and the Internet and all this other stuff that is going on in the malls and get back and work with their churches, with their government. Government is suffering by it because there is not as much political involvement.

There are so many reasons why our country is in big trouble today, and basically it gets back to whether or not people really feel that they have obligation to their community and to the other people who are not as fortunate as they are.

I have been involved with programs like Holy Family, I am presently on the board of the Female Offenders

Program trying to help women who would be in jail, but they have children. We try to help them to do good work with their children and make a life of themselves. You have the Abraxus program, having to do with drugs, with juveniles. I was the creator, one of the creators of the Parental Stress Center which has been going for 25 years dealing with babies who are abused. I am trying to help their parents do more effective work.

This was outside of my job. My job is Juvenile Court Judge and I was a Supreme Court Judge, a Criminal Court Judge. I felt it was very important for me to be involved in the community to help the community do things to help its people. That's what ISDA is all about.

We give 120 scholarships a year whether you believe it or not. And we do this with Italian Day. The Italian Day Program is not only the 30 to 60,000 people who come there and the children. We invite you all to come because I think it is very important that everybody involved be involved with it. It also has to do with the mass on Sunday.

We bring 400 people to church or country club and we have a mass. We think about what our religion means to us in terms of the Italian culture. Then on Monday we have a day where we go to an institution. Where there are elderly and people who can't get out and can't be at home. We entertain them and we treat them as part of our family too.

In each of the many many lodges has activities that are doing things like this. The important thing is that ISDA is a family oriented organization which is involved in the community even

sometimes a little bit politically but we are involved. We want to be involved and we are very proud to be involved. With that I think we make our community better and we make our people better and particularly for our children.

We give them a heritage they can look at and look back at because I look back to depression days when the only activity I ever had was go to an ISDA affair, a corn roast, or something that was put on by the ISDA. We didn't have anything else.

I remember that with fondness and the people there are now long gone who gave me something, which I now feel I have to give back. That's why I am deeply involved with the ISDA.

I have spoken too long, but I think there is a message there for everybody. Italian Day is kind of a focus of that message. Thank you very much, Dan and Council.

The Chair:

We have some special guests in the audience. We have ten visitors from Japan, Japanese students. Faith, you want to come up? We have Director Gallo. You want to bring them up or tell us why they are here and what they're doing.

Ms. McCrory:

These children are in Pittsburgh. Their main purpose was to visit Kennywood. They are here to learn English and they will be traveling from here to four weeks in West Virginia. I keep telling them that's not so exciting.

They're going from West Virginia to high schools all over the U.S. So they will not be going back to Japan for three years.

The Chair:

Move to presentation of papers.

MR. COHEN PRESENTED:

No. 624 Resolution Authorizing a Cooperation Agreement or Agreements which provides for the transfer of funds not to exceed Seventy-Five Thousand (\$75,000) Dollars to the City of Pittsburgh Equipment Leasing Authority for the purchase of vehicles, radios and equipment for use by City of Pittsburgh Departments and Authorities.

Which was read and referred to the Committee on Lands, Buildings and Procurement.

MR. HERTZBERG PRESENTED:

No. 625 Resolution Granting unto Richard Faust, Original Oyster House, 20 Market Square, Pittsburgh, Pa. an encroachment to construct, maintain and use at their own cost and expense, a Sidewalk Café extending 11 ft. in length and encroaching 6 feet onto a 13 foot sidewalk in the 1st Ward, 6th Council District, City of Pittsburgh.

No. 626 Granting unto the Marion Development Company, Inc., 13 Pride St., Pittsburgh, Pa. 15219, their successors, and assigns, an encroachment to construct, maintain and use at their own cost and expense, a three story office building, having building borders encroaching on the Forbes Avenue and Marion Street

right-of-ways in the 1st Ward, 6th Council District, City of Pittsburgh.

No. 627 Resolution Granting unto Rudolph Muto, La Gondola Restaurant, 4, Market Square., Pittsburgh, Pa. an encroachment to construct, maintain and use at their own cost and expense, a Sidewalk Café extending 11 ft. in length and encroaching 6 feet onto a 13 foot sidewalk in the 1st Ward, 6th Council District, City of Pittsburgh.

No. 628 Resolution Granting unto Carl Kohlman of 5851 Ellsworth Avenue, Pittsburgh, PA 15232, an encroachment to construct, maintain and use at their own cost and expense, a Sidewalk Café, in the 17th Ward, 3rd Council District of the City of Pittsburgh.

No. 629 Resolution Vacating Old Orchard Circle and North Court as part of the Broadhead Manor Demolition Plan 28th Ward 2nd Council District, City of Pittsburgh.

No. 630 Resolution providing for the vacation of 6th Ave. Air Rights for the Mellon Bank Project, 2nd Ward 6th Council District, City of Pittsburgh.

Which were read and referred to the Committee on Public Works, Water and Environmental Services.

MS. MCDONALD PRESENTED:

No. 631 Resolution Amending Resolution No. 719, approved 9-29-95, effective 10-02-95 entitled " Resolution providing for an Agreement or Agreements with the United Way of Allegheny County in an amount not to exceed \$100,000.00 for the continued

development and operation of the Adopt-A-Park Volunteer Program for the benefit of the residents of the City of Pittsburgh", by reducing the amount of the resolution by \$35,000.00 and converting the old index code numbers to reflect the current PeopleSoft chartfield.

Which was read and referred to the Committee on Parks, Recreation and Youth Policy.

MR. ONORATO PRESENTED:

No. 632 Resolution Approving a Conditional Use Exception under Section 993.01(a)(21) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 to the Board of Public Education of the School District of Pittsburgh for authorization to construct two, 1-story extensions plus mechanical equipment mezzanines, totaling 51,400 square feet, to Pioneer School located at 775 Dunster, with parking to accommodate 83 automobiles on property zoned "R1" One-Family Residence District, 19th Ward.

Which was read and referred to the Committee on Planning, Zoning and Land Use.

MR. RICCIARDI PRESENTED:

No. 633 Resolution authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh providing for the transfer to URA of \$900,000 for North Shore Riverfront Development (Council District 6) (PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG)

No. 634 Resolution Approving execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Mellon Bank, N.A. for the sale of Parcel A-2 in the Second Ward of the City of Pittsburgh. Block 2F Lot 230--Sixth Avenue at Fifth Avenue--Council District No. 6 (commercial construction). (PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG)

No. 635 Resolution Authorizing the Urban Redevelopment Authority of Pittsburgh to pursue a Tax Incremental Financing Proposal or Proposals for portions of the Inner Triangle Redevelopment Area (Council District No. 6). (PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG)

Which were read and referred to the Committee on Housing, Economic Development and Promotion.

MR. UDIN PRESENTED:

No. 636 Resolution providing that the City of Pittsburgh enter into a professional services contract or contracts with Employee Benefit Data Services, Inc. Benefit Service Center for the purpose of administering the financial incentive/medical savings program associated with the July 1, 1998 POSplus Healthcare Program.

Which was read and referred to the Committee on Finance and Budget.

The Chair:

Thank you. Is there any unfinished business to come in front of Council?

UNFINISHED BUSINESS

MR. ONORATO moved to cable cast Thursday's Public Hearing on the soccer field legislation.

MR. FERLO seconded the motion.

Which motion prevailed.

Mr. Udin:

I would like to move for a cable cast Post Agenda to give Council an update on the airport bus way development.

I have consulted with Councilman Hertzberg and we would be co-sponsoring this Post Agenda. You know that from the discussion generated in Council with the bill to vacate a particular street that would move the bus way, raised the larger question of what the status is of the current proposals that are being put forward by the Mayor's Office, by the Port Authority, by PennDOT, as well as by Councilman Hertzberg.

Many of the discussions and terminal points of all of the proposed bridges let down within Councilman Hertzberg's and myself, our Council Districts. So we would like to provide an update for Council and the public at some point through a televised Post Agenda at sometime scheduled by the City Clerk's Office. Motion.

MR. RICCIARDI seconded for discussion.

Mr. Ricciardi:

I obviously support that initiative

by Council members Hertzberg and Udin. I would ask if there is not an objection to the convenors that certain invited guests should be there. I think we need invited guests from our Federal elected officials, Senator Specter and Santorum, Congressman Bill Coyne or their representatives. So we can also talk about the funding issues and what funds are available for projects.

I think that's very important if we could talk about that. I also think that Port Authority needs to bring to us certain information that they've had in the past. It's my understanding for example, and I did not attend it, but there was a press conference. There was a groundbreaking, there was a kick off for the bridge. So it's my understanding that there were plans by an architect. I believe it was Mr. Tasso (phonetic) if I'm not mistaken.

So I want to see how much money has been spent on a project that might not go forward. So maybe they should come prepared to talk to us about everything involved, not just the recovery program. I think that's probably one of the goals of the Post Agenda if I am not mistaken.

The Chair:

I was at that groundbreaking. I don't know how many other members were. I think you were there, Mr. Cohen.

Mr. Ricciardi:

I can be proud I was not there.

The Chair:

Mr. Ricciardi, the money was supposed to be there and it was supposed

to start that at least four, five years ago I guess.

Mr. Cohen:

I think four and a half, five years ago.

Mr. Diven:

I was there representing Commissioner Forester.

The Chair:

So, the money was there. It went somewhere else.

Mr. Cohen:

As a housekeeping matter, Mr. President. Is the tour that as scheduled for tomorrow still going to be on with respect to the bus way because I know of Councilman Hertzberg's illness in his family? I don't know if that is still on or not.

The Chair:

Let's wait until this afternoon, see where Councilman Hertzberg is. We will follow up on that.

Mr. Cohen:

I certainly support Councilman Udin's recommendation.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

The Chair:

Anything else under unfinished business? Move to Chair Reports.

Report from the Chair on Finance and Budget, Mr. Udin.

CHAIR REPORTS

Mr. Udin:

Thank you, Mr. President. The Finance and Budget Committee began the year by negotiating an agreement with the Administration that averted a garbage fee and personnel layoffs.

Efforts were made to monitor revenues and expenses from the Controller's Office, but technical and personnel problems prevented the Controller's Office from providing timely information until mid May, 1998.

Mid year, the Administration threatened another round of garbage fees or layoffs and the Finance and Budget Committee negotiated an agreement to prevent both.

In both instances, in December of 1997 and in May of 1998, it was the expert analysis of Kurt Salac and the staff of Council's Budget Office, which kept the Committee Chairman informed and which enabled the garbage fee and personnel layoffs to be averted.

During the course of the first half of 1998, the Committee Chairman met regularly with representatives of the Controller's Office, the Finance Department, Computer Information Services and the Council Budget Office Staff, in an effort to untangle the complex web of problems associated with the

installation of the new accounting software system, PeopleSoft. Although we managed to get the data flowing from the Controller's Office regarding revenues and expenditures, there are still an abundance of problems that remain in the city's accounting system. According to our information, none of the City Departments are satisfactorily utilizing the PeopleSoft system. Serious management problems continue and are now worse by the sudden, recent resignation of Mr. Steve Schmidt, the former director of CIS.

The administration is proposing to replace Mr. Schmidt with Mr. John Staudacher. However, it would be my suggestion that an independent agency be contracted to assess the status of the current PeopleSoft and computer information systems management, prior to the permanent replacement of Mr. Schmidt.

Kurt Salac and I have met frequently with administration representatives, planning the process for development of the 1999 budget. Usually there are Budget Summit meetings held, at least monthly, to which Council members are invited. The upcoming Budget Summit Meetings will be particularly important, because both the Council Budget Staff and the administration and the Committee Chairman all agree that we are facing a \$20-\$30 million shortfall, going into the 1999 budget year. Drastic measures will have to be taken to fill this gap, none of which will be painless. Council members are urged to communicate to the Committee Chairman, as soon as possible, their ideas concerning revenue enhancement and/or expense reductions, so that we may begin consideration of the feasibility and

implications of your proposals.

You will recall that the Committee Chairman made a proposal to the Mayor, in May 1988, that a blue ribbon panel be appointed to conduct a thorough review of the city's tax structure and make recommendations, keeping in mind, how to keep the city competitive in the region and nation, attractive to business and new residents, but also how to maximize revenues so as to maintain high quality of life standards. The Mayor is still considering this proposal and is expected to indicate his acceptance or rejection soon. It is not yet known whether such a Task Force could have recommendations in time for consideration in the 1999 budget.

That completes my report, Mr. President.

The Chair:

Any questions? How do you perceive the Task Force? Are you suggesting it be Council members or outside advisors too? How do you see a Task Force?

Mr. Udin:

We had proposed a Task Force that would be, I guess, similar in composition to the Competitive Pittsburgh Task Force. A Task Force appointed by the Mayor but would include academia, would include business people. The business people as indicated on several occasions that they might make some of their fiscal experts available to the city to help with problems like these. It might include other constituent groups, certain members of Council would be invited and city

departments, especially the Finance and Budget Office.

It might even contract with a group like the Pennsylvania Economy League to do some of the staffing work and some of the research and analysis that would be necessary. But a broad based cross section of residents of the city that could make recommendations and could analyze the city's current complex taxing structure.

The Chair:

Another thing I would like to follow up. I believe it is a good idea, but I am concerned as you said about timing. Since timing is so crucial with our break coming and the budget process will probably start eight to ten weeks after that, would you like to draw up a plan of action just as far as brain storming with us as Council members under your leadership? What direction they see and maybe possible ideas we have all kicked around? Whether it be EMS getting more money from the hospitals or whatever.

I have had some negotiations but I believe you should Chair that and be in direct -- I am not talking about meetings, I am talking about one on one and get a sense of where Council sees this and where we are going to go.

Mr. Udin:

It's my intention to meet individually with each member of Council to get their ideas and thinking about the whole question of the 1999 budget and revenues. Within that context, I would be glad to receive whatever proposals Council members have. Thank you.

The Chair:

Thanks for your report. Next report will be Mr. Ferlo on Engineering and Construction.

Mr. Ferlo:

Thank you, Mr. President. I will try to be as succinct as my colleague, but not too many more minutes. Don't let this technology scare you. But since this report is really to the community so they can better understand the work of at least the department that I have been asked to chair, the Department of Engineering and Construction, I wanted to go through this presentation in such a way that those listening to the Council Meetings will better understand the amount of work that this department does. More specifically, especially in the area of playground reconstruction and ball fields, and parks, the infrastructure of the city. I think they need to understand the magnitude of the work and the task that this department is involved in.

While they're setting up, Mr. President, I would ask respectfully if just back on the last financial report, if we could get an understanding. Mr. Udin made comments about the position being filled for the CIS Director. I don't know if that's been formally done or if that is an acting position. If we could get a clarification if any of Council's confirmation activity relative to the new CIS Director. My comments are in no way making any suggestion about the individual who has worked I think for ten, or twelve years in the department. I applaud his leadership and his abilities.

I want an understanding just

procedurally on that point. As part of that, Mr. President, the Fire Chief has resigned as we all know. We changed the city code of ordinances at my request several months ago basically allowing Council to have input on confirmation of the Fire Bureau Chief. I would ask you respectfully to follow up with Mr. Udin on the CIS and Mr. Diven on the Public Safety issue regarding filling of those two positions.

The Chair:

When I follow up, Mr. Diven, could you check with the Mayor and give us a time line of when they expect to make that announcement so it doesn't drag on.

I believe concerning the PeopleSoft, no matter who the new director is, it's going to be a challenge. We have invested almost ten million dollars in the computer service. I would like some guidelines from you and the new director and the administration where we are going with this and some due dates so we can follow up on it.

Mr. Udin:

If I could just emphasize the point, Mr. President and colleagues, I think it's particularly important that at an independent assessment be made of where we are in the PeopleSoft System in the implementation of it. Particularly because Mr. Schmidt's departure. I would have expected that if Mr. Schmidt was going to be leaving the city especially given how problematic PeopleSoft has been, that he would have waited until his replacement had been found before he departed.

But now we have to somehow it

seems go back over the implementation of the PeopleSoft System without the benefit of his presence and input and that's going to be particularly difficult because the situation is already difficult. But before we would even consider I would think a permanent replacement to Mr. Schmidt. It seems to me that an independent assessment needs to be made by some group competent in computer information management systems.

The Chair:

I believe if you would look into that and set a side a number, five or ten thousand dollars, whatever that number is for somebody that you suggested. We go out and find out where we are from an independent auditor, and say this is where we are and this is what we have to do to fix it. I am afraid, I hope we have a simple answer like that but with the complications I am very concerned about the whole system.

Mr. Onorato:

I would just add if we could ask the accounting firm that the Controller's Office hired for about \$500,000 maybe they can give us an update as opposed to spending more money.

The Chair:

If that's available certainly that would be the direction. It is under Mr. Udin's Chair, I think that's a good suggestion. I would ask you or urge you to look into that very soon.

Mr. Ferlo:

Again, I will try to go through this

quickly in the interest of time. I have been asked by yourself to Chair the Department of Engineering and Construction. It is a great department in city government. We all know and respect our director, Director Fred Reginella who comes to the table quite frequently every Wednesday. I know the director has worked with all of the individual Council members on a variety of projects effecting our Council Districts.

He has the benefit of some 74 professional staff people. Although this is a small city department, I think we would have to admit that they have a big impact on the physical structure and livability of our city.

This Council and the Mayor has awarded a city budget pretty much the Operating Bond Fund Budget for this department in the amount of a little over \$15 million for the fiscal year 1998. While the \$15 million represents Capital Bond Funds for this department, we know that at any given time this department is responsible for upwards of 25 or \$30 million a year. That it has some direct or indirect management over in terms of Federal and State funds from the sister agencies that this city government works with.

The department is broken down into two main functioning bureaus. The Bureau of Engineering and Architecture and Bureau of Construction as well Director Reginella is supported by an administrative unit. It is a small staff but I want to complement and applaud the hard work of this staff that perform everything from the payroll financial, clerical and all administrative activities on behalf of Director Reginella and all the professional

staff and the on line supervisors.

Within each one of those two different bureaus there is a subset of working staff people specifically in the Bureau of Engineering and Architecture. There is a group of professionals working with bridges and structures, there are those working with streets, there are those employee's working with architecture, there are those working with the traffic division and water and sewers.

Now we don't have the magnitude of work under water and sewers that we had historically because before much of that work has been transferred to the Pittsburgh Water and Sewer Authority responsibilities. But there are times from time to time that we have our own water and sewer issues. As well we work in concert with the work of the Pittsburgh Water and Sewer Authority.

The Bureau of Construction is broken down primarily in a project that structure inspections and field surveys and materials testing.

We have the Bureau of Engineering and Architectural -- I am going to go through quickly each one of these departments. I hope we can see this visual. The Bureau of Engineering and Architecture prepares the projects from both the design phase through the bidding and award phases. It just does that by either designing the activity in house or by hiring appropriate engineering and design consultants. So in addition to 74 professionals, we obviously have need and cause for the hiring of any number of professionals within the department.

I can see we will have to use a

different color scheme next year. Hopefully that will pick up on the TV here.

Probably the most exciting work, when I say exciting because people might not get excited about a bridge or fixing a streets or eliminating a vault underneath the street because that is just not something we see or is always appreciated although it is very important work of the department. But certainly the area that we have had major commitment thanks to the leadership of this City Council and Mayor Murphy is in our ball field and playground reconstruction activities in the last couple of years.

In the Division of Architecture I know many of us have had the pleasure of working with these professional staff in the Division of Architecture. Those who specifically work on playground reconstruction and ball fields. When you look at the list of accomplishments of this department together with the commitment of Mayor Murphy and this City Council for playgrounds, you see a list from 1996 to 1998. When you look accumulatively at the playground work that we have done, both the work that the E & C has funded with outside contractors who have been hired and we all know it is a lengthy process. We go from planning, to community input, to bid specifications, to qualifying contractors, to awarding the bid. Then time takes hold and the work starts and it takes usually anywhere from 60 to 90 to 120 days to complete some of these bigger playgrounds. So, the turn around times can sometimes exceed any given year.

But from 1996 to 1998 when you look comprehensively at this list of

neighborhoods that are representative whether it be Herschel Field at a cost of \$232,000 plus -- I won't read this whole list in the interest of time. But when you look through the list of the major playground reconstruction, whether it be McCandless in my own district and tonight we have a ribbon cutting for Leslie Park. I think everyone of our Council Districts has been positively effected with a major new playground reconstruction and rehabilitation and you see the amounts. They range from a low of 80 or \$90,000 to a high of half a million dollars in the case of the Frick Park and the Braddock because of the Regional Asset District Funding.

In addition to working with outside contractors, and I think we have a high degree of quality in the design and the reconstruction of our playgrounds, we have the benefit of a unique contract with the YMCA organization. They are harnessing community resources and smaller contractors at the neighborhood level. They are involved in eight or ten different playground rehab projects all around the city. Such as at Collie and Dunseith and the Lawn Street area.

The list is up here on the board. I think that is a further embellishment of the effectiveness of the playground reconstruction work that we have around this city.

In addition, we have to our credit many playgrounds that are redesigned and retrofitted and rehabbed both with the design expertise of our own city department, the Engineering and Construction Department but also the workers from the Department of Public Works themselves. To the credit of Mr.

Booker and all of the construction staff, the laborers, the trades people, and we have done a lot of playground work with DEC, Engineering and Construction, doing the design work and Public Works actually doing the hands on reconstruction.

You have a list here and some of them are smaller projects involving just several thousand dollars, often times these may be fixing playgrounds. You know we modified our city code, Councilman Cohen's leadership, so this would be a case where DPW would directly get in and correct some of the immediate safety problems, but some of the bigger projects.

We just had a ribbon cutting a couple of weeks ago at West Penn Rec Center. It is a beautiful playground upgrade and it was done by our own department of Public Works. So, you see that there have been ten or twelve such playgrounds all around the city that have been done by cooperation between Engineering and Construction and the Department of Public Works.

We have a significant number of what I will call works in progress this year. You see the list. They range from a low of \$70,000 retrofitting and rehabbing of the Sterret School playground area to a high of roughly \$120,000 in the Wabash playground.

So you have a list of about ten playgrounds all around the city that basically are being worked on as we speak. They are either at the community planning stage, the design work by the architectural staff of E & C, or the putting it together of the competitive bids. So one level or another we have some major playground work going on as we speak. Again, when

I give an update report several months from now, we will begin to see some major progress in that front.

Moving to the Division of Architecture also ball fields certainly occupy the concern. Councilman Onorato himself is having a Public Hearing just on the issue of not only soccer but the whole plight of our community. We can be proud in the City of Pittsburgh of not only having some 90 different neighborhoods, but we have a tremendous amount of parent and volunteer talent out there at the neighborhood level who really pound our fields day in and day out to their credit. As well many people outside the city come and benefit from the fields that we offer throughout the city of Pittsburgh, over 130 fields, I believe.

So, it is a big-ticket item to do a major ball field reconstruction. We have currently the Volunteers Field has been completed at a cost of a little over \$350,000. Again, when somebody sees this figure they think while what does it take to do a ball field -- \$350,000. But when you look at it, we are talking about a complete in field, redoing the complete infield and dealing with the drainage, often times new sodding, putting new bleachers, dug outs, new fencing, new lighting, new landscaping. There maybe trees, there maybe park benches, things of this sort. So you really begin to see the amount of money and the commitment that this city government is making to our neighborhoods.

I want to thank the Mayor for his commitment for redoing our ball fields. I think that will come to the attention at the Public Hearing later this week when we talk about not only the needs of soccer, but

the other youth teams in the City of Pittsburgh.

But this year we will also do McBride Field in the 31st ward, your district, Mr. President, and Willie Stargel Field. That is a significant amount of money under \$20,000, which is out in Homewood in Councilwoman Valerie McDonald's District.

Moving to the Division of Architecture also we have a very important function in this department dealing with basically our building construction and our renovation of our own city physical facilities. We were proud this morning to have the kids here from Phillips Park. That work has been completed and the new gymnasium, almost near completed at a tune of \$1.5 million.

Again, as Councilman Diven pointed out we want to thank State Representative Readshaw for his commitment and state government support for this major construction. This is a great embellishment for our neighborhoods south of the river that don't have the immediate benefit of the larger regional parks.

So I think those colleagues who keep saying rightfully so that we need to be equitable in the distribution of our resources, this is why I believe that we all collectively, this Council, has made a commitment to not only the residents of Phillips Park area but the Overbrook Senior Center. The bid opening for that work is July 23rd, we expect it to be roughly around \$400,000 that we have budgeted. This is something that those folks in those communities have struggled as far back as the early days of Mayor

Caligiuri. I think we can be proud that we together with Mayor Murphy have fulfilled that pledge and that commitment. That work will soon be starting on the Overbrook Senior Center.

We roughly have \$900,000 committed this year that we will be spending. That is generally in a whole bunch of separate activities that the building construction folks are working on. That is everything from renovations here at the City County Building to renovations that will go on at the Civic Building, at the Public Safety Building, in the South Side Market House in Councilman Ricciardi's District, in the Arlington Rec Center in Mr. Ricciardi's District also.

Some of these projects have either been completed or they are going on as we speak. If you go around these buildings you will see either in house trades people or contracted services working.

Moving to major courts renovation. You can see so much of the work of E & C is involved at the neighborhood level with our playgrounds. We have almost nearly completed, actually we will begin soon the Schenley Park Tennis Courts. This is money that this Council appropriated from the RAD funds and by resolution this year. That work will begin soon. It is a major reconstruction of Schenley Park Tennis Courts. Probably those courts are maybe some of the most used tennis courts that we have throughout the City of Pittsburgh and that is at a cost of a little over \$200,000.

Street trees are always a favorite topic on this Council. We budgeted \$50,000 last year, \$50,000 this year. That

work continues, you see how beautiful the street is lined along the Grant Street corridor with trees, we certainly want to have that esthetic at the neighborhood level in our commercial districts and to fulfill the request of numerous residents and community groups for trees. That will be a lengthy topic at a Public Hearing coming up on the establishment of the Tree Commission here in the City of Pittsburgh and we will have more discussion.

This Council this year approved resolutions and authorizing bids will be awarded for major repair to Ammon Pool, swimming pool and to Magee Pool in your area, Mr. President. That work has been budgeted and will begin.

An important part of the work of the Engineering and Construction Department a separate bureau is the Streets Division. This is certainly Mr. Ricciardi's favorite topic, talking about our city streets. We have to be completed by October of '98 this year the 5th Avenue Phase II, that's major commitment of a half million dollars by this Council and the administration. The Wood Street corridor Phase I is expected to be completed by July of '99 at a little over \$5 million. And the Pioneer Avenue which is pretty much Mr. Diven's District would be all of Pioneer Avenue corridor which started over a year ago. That phase II is now under construction. I am sure much to the chagrin of the residents in that area, but as we say no pain no gain. This is a \$1 million expenditure.

I think it will be a major upgrade of the Pioneer Avenue corridor all the way up to the Brookline Boulevard intersection.

The South 30th Street, Mr. Ricciardi's long hope for in the residents in that area is going to be starting in August of this year. It is over \$250,000 commitment from this Council and the Mayor for reestablishment of the South 30th Street corridor.

I won't go through the rest of the list, but when you look at the work that's been budgeted and has already been completed Chartiers, Smallman Street sidewalks and an ongoing program, which obviously is the subject of a lawsuit right now. That is a major commitment \$250,000 in '97 and another \$150,000 in '98 of major reconstruction of handicap ramps throughout residential and commercial districts throughout the 55 square miles of the city. It is no small task, that work goes on as we speak. I think it's a very successful program, I have been out inspecting, observing the contractors that are doing that work. I have always seen the efficiency and the ability that they have to complete that task. It seems like when they hit a business district, they do the ramps in several days. So, we can be proud of their work.

I think there is a substantive issue about how much we appropriate and maybe that is something we can debate at the annual budget proceedings.

The Coleman Street improvements are basically waiting a commitment of funding from the Budget Office. All the work has been done by the Engineering and Construction Department, they have done the design work, they have done the drawings, and they are ready to let out the bids. So it's our hope and Director Reginella that that will be the first commitment made in the '99 Capital, but

we are already ahead of the game because all of the pre work has been done in terms of design and construction bid work.

My favorite street, Grant Street, the old historical debate with Ms. Miskovich our former Executive Secretary to the Mayor, bricks are falling apart. You can take them out with your hand physically on Grant Street. I don't want to debate and go back over the years about my problems with that street, and the way it was done. But we are stuck with that street. It is unfortunate there is a major degradation of that street in many parts of the area, it actually is unsafe.

We have roughly \$175,000 budgeted which will go to outside contractors to make some immediate repairs to the bricks. I hope they fix the Sophie brick that is out here also with her name on it.

Under the Division of Bridges and Structures, I will begin to try to wrap up here quickly, Mr. President, bridges are very important to the city. We kind of take them for granted until they actually close and it causes nightmares for everybody. But the Three Rivers Pedestrian Bridge has been completed. It has been a multi-year task. There were a lot of environmental problems. I won't say that the work was stalled by our own department, I think Engineering and Construction can be proud of what they did. But when you do a bridge along the riverfront and the Army Corp of Engineers gets involved, and the Fed's and all kinds of state and federal regulatory agencies, you see how projects get stalled and delayed. But that Pedestrian Bridge is completed.

The Panther Hollow Rehab as we all know will begin shortly after the Vintage Grand Prix takes hold this weekend. It is over a \$4 million commitment. It is a bridge that is badly in need. If anybody walks acrossed it, it is a no brainer as far as the need to redo that bridge.

I won't read this list here but you see committed work being done this year for everything from the Fort Pitt Boulevard Rehab, McCardle Viaducts, South Millvale Avenue Bridge, Allegheny Park Foot Bridge, that is an important park in and around the Federal North area. All of that work is either being done as we speak or at the design stages, but money has been appropriated and we expect to begin to proceed.

Major walls are a problem in the 55 square miles of the city; our typography and the history of work that has been done by the city. Some walls go back to the WPA Program of the 30's and the 40's. We have a problem. There are major walls that are falling apart and they are big-ticket items. We are talking about major walls that hold up hillsides, housing property and major intersections and vehicular corridors.

The Windom Street Wall will begin in July that is a half million dollar activity. The Flowers Avenue Wall will begin shortly, Mr. President, that is in your Council District, and the Dakota Street wall is budgeted, and has to do with the cost and development activity in Councilman Udin's District, but that is not expected to begin until the 1999, 2000 Capital Budget year.

I will just close and quickly review

a couple of brief points. Steps and bridge maintenance, ornamental iron railings and various miscellaneous projects I wanted to report to Councilman Cohen that the work has been bid for the Mellon Park Ornamental railings and they will be completed this year, 1999.

Catoma Street in Councilman Onorato's District, I believe, is also being done. The ornamental iron railings and the Boulevard of the Allies corridor of railings, ornamental railings and the Bluff Neighborhood, which I believe is in Councilman Udin's District. All of that ornamental iron railing has been budgeted and is either under contract or being fabricated as we speak.

The South Highland Avenue Bridge steps, which are very important because they have been closed off for many months if not a couple of years will be installed this fall of 1998. That effects the Shady Side, East Liberty flow and the Owl Way Steps have been budgeted and will be completed.

You see the listing of major bridge maintenance activity. We have already completed major bridge the Larimar Avenue Bridge, the Elizabeth Street Bridge has been completed. We are at the quote bid process for other major bridges like the West Ohio Street Bridge, the Lowrie Street Bridge is in design, Second Avenue and the Center Avenue Bridge are being designed.

I will just close, Mr. President with the Traffic Division. Councilman Cohen often times has spoken in the past about traffic signalization. We can be proud in this city over commitments that we have made over the last half of a decade. We

have a very fancy computerized traffic responsive traffic control system in the downtown corridor. This involves roughly 95 traffic signals in and around the golden triangle. All of that technology and hardware already is in place as we speak.

What is happening now is we are in the process of qualifying various contractors and vendors that will then have the right to competitively bid on the actual software package. This has to do with by computer actually managing traffic flow through the computerized traffic signals that we have.

We will begin the last phase of the Way Finder Program. This has been a sore point with several of my colleagues. I believe South Side and south of the rivers signage is going up presently and West End is being prepared now by E & C staff who actually are preparing this signage and will be installed by our own Public Works Department.

So that work is continuing. The other part of the downtown traffic signalization has to do with the new steel poles and mast arms that will be installed all around the downtown corridor. These structures have already been installed along the Grant Street corridor so you see what I am talking about when I talk about the steel poles and the mast arms with that type of construction hardware will exist in and around the downtown corridors.

We have some old poles in the downtown corridor that date back to the turn of the century and that is certainly the case at the neighborhood level all that steel hardware which holds our traffic signals have to be upgraded so we are starting and completing the downtown area.

With that I would like to invite everybody this evening to Leslie Park at 5:00 p.m. We have a kids party and a ribbon cutting. Thanks for listening. I like that picture. We have a great ribbon cutting tonight with the Mayor at Leslie Park in Lawrenceville. I would like to invite all of my colleagues out for a good time tonight at 5:00.

With that, thank you very much.

The Chair:

Thank you for your report.

Mr. Ferlo:

I think I talked quickly, Mr. Ricciardi.

The Chair:

Any questions. Briefly, just to confirm the Way Finders Sign or the West End or South Side are they on schedule?

Mr. Ferlo:

Yes.

The Chair:

Mr. Ricciardi it must be working.

Mr. Ricciardi:

I have no comments. I am ready to vote on bills.

Mr. Cohen:

Just briefly we talked about specific projects here in Council, project by project and we rarely get an overview

like the kind that Councilman Ferlo just gave. I think that really does give you a sense of how much work is being done by that department. I appreciate Councilman Ferlo's support.

Mr. Ferlo:

I especially want to thank Mr. Zober here, Yarone Zober, for his help in getting together this presentation and the department staff.

The Chair:

Everything worked and clicked without a hitch.

One thing I would like to mention, I think it is a credit to all of us and the Mayor's Office working together on fixing all these parks. It is tremendous and as you said Leslie Park will be opening tonight. We have Frick Park in about a month, there are so many exciting things going on.

I think it really effects the children and the quality of life. Again, I thank your department for all the hard work. It is a monumental achievement to do all of this, plan it, bid it out and get it done so quickly.

Moving to reports of committee.

REPORTS OF COMMITTEES

MR. UDIN PRESENTED:

Bill No. 637:

Report of the Committee on Finance and Budget for July 8, 1998, transmitting one ordinance and one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 576:

An Ordinance amending and supplementing the Pittsburgh Code, Title One, Administrative, Article VII, Procedures, Chapter 161, Contracts, Section 161.02, Competitive Bidding; Exceptions, by requiring competitive bidding for revenue generating contracts. (SPONSORED BY MR. UDIN)

Which was read.

Also,

Bill No. 597:

Resolution transferring \$2,905.20 from the Mayor's Office Education and Training Account to the Department of City Planning's Education and Training Account.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills? Bills are now ready for final action. All in favor of the passage of the bills vote aye when names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen

Mr. Diven

Mr. Ferlo

Mr. Onorato

Mr. Onorato

Ms. McDonald

Mr. Ricciardi

Mr. Udin

Mr. O'Connor

(Pres't)

AYES Eight NOES None

Bills have received the legally required number of votes and are passed finally.

MR. HERTZBERG PRESENTED:

Bill No. 638:

Report of the Committee on Public Works, Water and Environmental Services for July 8, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 592:

Resolution amending Resolution No. 397, effective July 10, 1997, entitled "providing for contract or contracts or the use of existing contracts for concrete sidewalk repair/replacement in the CDBG areas in the City of Pittsburgh and providing for the payment thereof" by increasing the total allocation by \$28,000 from \$12,000 to \$40,000.00.

Which was read.

Also,

Bill No. 593

Resolution providing for a Contract or Contracts or the use of existing

contracts for the repairs and maintenance of the Walls, Steps, and Fences in CD areas throughout the City of Pittsburgh and providing for the payment thereof, cost not to exceed \$47,000.00.

Which was read.

Also,

Bill No. 594:

Resolution granting the U.S. General Services Administration, Mid Atlantic Regional, 100 Penn Square East, Philadelphia, PA, their successors and assigns, an encroachment to construct, maintain and use at her own cost and expense, placement of 7 Bollards and 3 Trees on Liberty Avenue and 8 Bollards on Grant Street adjacent to the Federal Building in the 2nd Ward, 6th Council District, City of Pittsburgh.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Ricciardi:

Thank you. Obviously I am supporting all the bills in Public Works. It was ironic however that during our Committee Reports I took a phone call from a constituent, a very fine family, very popular family, matter of fact from the South Side, the Berrick Family.

While one of our colleagues were speaking, I took that phone call. It is interesting because I didn't recognize the

telephone number it was outside the City of Pittsburgh. He and his wife are in there 70's recently had to move outside of their home on Josephine Street because of the wall.

A dangerous situation with a city wall, retaining wall that I have brought up over and over with the administration for three to four years. And fortunately the memorandum dated July 13, 1998 does state that some of the \$47,000 will go for the Josephine Street wall. So I am pleased that the bill is moving today. I am frustrated in a way that it took three to four years for such a minor project.

Now I am hoping that it moves off the paper stage and maybe Linda can follow up with this, Linda Johnson Wasler our City Clerk. That it moves from paper stage and, Linda, you can maybe tell Public Works this story about the family who moved out of their home. It goes back to colleagues what I have been stating; constituents deserve and demand to have a timetable of city services to deliver. I have stated how important that is. That if we need to resurface the street for example, or a constituent says my street needs to be resurfaced, we have to give them a timetable.

It might be true that we are saying well it is not going to be done this year, it can't be done this year, but it will be done-- which month and which year. That's so important, because we are supposed to be customer friendly. We are supposed to be delivering a service. If someone calls a department store, for example, Mr. O'Connor, and someone says when can you deliver this service, I am willing to pay for this service. A taxpayer, I am paying taxes when are you going to

fix the Josephine Street wall?

So my colleagues can see why I am so frustrated. It was very ironic that I am taking a phone call today 20 minutes ago from the Berrick family who are no longer in the City of Pittsburgh but still own their home and we are passing this piece of legislation.

So in summary what I am saying colleagues, I am glad the legislation is passing, but we need to figure out a way during the budgetary process where we get back to a constituent and tell them when things are going to go occur.

Right now my division I think it is five now, it used to be six, they're sitting on according to the information that I have received over 100 requests from the Mayor's complaint service. One hundred requests. They're sitting on it, sitting on it meaning that they haven't gotten to it yet. That must be very frustrating for our constituents, our taxpayers. Mr. O'Connor, this is something as you President, I really think we have to look into it. Thank you.

The Chair:

I am certainly willing to look into that at least get answers to these people. I know some of them are emergencies of that wall on Flowers Avenue that you are fixing is actually 100 years old. Our family -- one person almost had to leave their home, we were able to keep them there.

The bills are now ready for final action. All in favor of the passage of the bills vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. O'Connor
	(Pres't)

AYES Eight NOES None

Bills have received the legally required number of votes and are passed finally.

MS. MCDONALD PRESENTED:

Bill No. 639:

Report of the Committee on Parks, Recreation and Youth Policy for July 9, 1998, transmitting two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 595:

Resolution providing for an Agreement or Agreements with the Pittsburgh Board of Public Education for the purpose of providing meals in connection with the Summer Food Service Program in the Department of Parks and Recreation. The total cost shall not exceed \$830,000.00, and shall be chargeable to and payable from the Special Summer Food Service Program Trust Fund, Account 525530, Fund 2855, Organization

521220, Subclass 600, Year 1998, in the Department of Parks and Recreation.

Which was read.

Also,

Bill No. 596:

Resolution authorizing the Mayor and the Director of the Department of Parks and Recreation to change the name of the "Look-Out Street Playground" to the Andrew "Huck" Fenrich Memorial Playground".

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills? Bills are now ready for final action. All in favor of the passage of the bills vote aye when names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. O'Connor
	(Pres't)

AYES **Eight** **NOES** **None**

Bills have received the legally required number of votes and are passed finally.

MR. FERLO PRESENTED:

Bill No. 640:

Report of the Committee on Engineering and Construction for July 8, 1998, transmitting one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 591:

Resolution providing for a Purchase/Sale Agreement with CSX Transportation, Inc. to purchase an easement for the purpose of constructing a bus shelter platform at the West Carson Street and Tabor Street Intersection; and providing for the payment of the costs thereof; at a cost not to exceed \$500.00.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussions on the bills? Bills are now ready for final action. All in favor of the bills vote aye when names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. O'Connor
	(Pres't)

AYES **Eight** **NOES** **None**

Bills have received the legally required number of votes and are passed finally.

The Chair:

We move to motions and resolutions.

MOTIONS AND RESOLUTIONS

MR. O'CONNOR PRESENTED:

No. 641 WHEREAS, Glen Hazel Citizen Association is a 501(c)(3) non-profit corporation, dedicated to the improvement of the communities of Glen Hazel, Hazelwood and Glenwood within the city of Pittsburgh.

WHEREAS, the Glen Hazel Citizen Association desires to operate certain small games of chance and/or conduct raffles to generate funds for programming to further its purpose.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Council of the City of Pittsburgh hereby recognizes and declares the Glen Hazel Citizen Association to be a civic and/or service organization within the context of the Pennsylvania Small Games of Chance Act, as amended.

MR. FERLO moved to receive and file.

MS. MCDONALD seconded the motion.

Which motion prevailed.

The Chair:

This week we have our Standing

Committee Meeting on Wednesday which will be recessed and continued Thursday at one o'clock. On Thursday we have a Public Hearing on the Bill 567 on soccer field facilities.

Ms. McDonald:

I will not be able to be in attendance at the recessed standing committee meeting scheduled for Thursday the 16th due to a commitment to a board meeting for the Parking Authority.

The Chair:

Mr. Ferlo I want to congratulate you on a very very successful rally for Nabisco. I spoke with the Mayor this morning, we will continue all our efforts to work with the management and the owners of the company. I don't know if you want to briefly -- You did an outstanding job.

Mr. Ferlo:

No, I just want to thank the Mayor for his commitment. We will be meeting with the Mayor Monday I believe it is now with some of the community leaders and some of the union representatives. We are going to do whatever we need to do. We tried to organize this delegation to New Jersey if it is appropriate.

Again, I think the Mayor's point is well taken. It needs to be a lovefest right now. We want to promote the Nabisco product and the company. We want to make it clear that we can compete, we can be a player. We want to convey to the Nabisco Corporation how important this plant and the facility and the jobs and the product is to the Pittsburgh region.

We are really going to be out and mobilizing that strong community sentiment that we know is out there. We want this plant to keep open here in the City of Pittsburgh.

The Chair:

Thank you for your leadership on that. Any other discussion?

Can I have approval of the minutes?

MR. COHEN moved to approve the minutes.

MS. MCDONALD seconded the motion.

Which motion prevailed.

absent member.

MR. FERLO seconded the motion.

Which motion prevailed.

MS. MCDONALD moved to adjourn the meeting.

MR. FERLO seconded the motion.

And on the motion of Ms. McDonald, the meeting adjourned.

MS. MCDONALD moved to excuse the

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED THIRTIETH COUNCIL

BOB O'CONNOR..... President
LINDA M. JOHNSON-WASLER.... City Clerk
JOHN A. MASCIO.....Deputy City Clerk

Pittsburgh, PA
Tuesday, July 21, 1998

PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Diven	Mr. Ricciardi
Mr. Ferlo	Mr. Udin
Mr. Hertzberg	Mr. O'Connor
Ms. McDonald	(Pres't)

The Chair:

Will you please stand for the pledge of allegiance and remain standing for a moment of silent prayer for peace and hope throughout the world.

Today we have two special guests Elizabeth and Emily Peduto. They are seven and nine years old. They're accompanied by their mother, Michelle. They're the nieces of Bill Peduto, Chief of staff in Councilman Cohen's Office. They

just spent a year in Hawaii, they will be moving to Fort Bragg in North Carolina where their father is deployed in the 82nd Air Born Special Forces. He's a Lieutenant Colonel in the Army.

Elizabeth and Emily Peduto:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands one nation under God indivisible with liberty and justice for all.

The Chair:

Thank you ladies. We have a gift for you, a flag of our city and country.

Mr. Cohen, you want to get a picture with them? Get Bill up here too.

The Chair:

Thank you and good luck. Mr. Diven, you have a very special guest today.

PRESENTATIONS

Mr. Diven:

Colleagues, a few weeks ago we learned that our distinguished Fire Chief has decided to pursue other career options. When I heard the news, one, I thought it was a shocker. I am sure the city is going to be worse off without his leadership, but I did want to make it a point to invite him

down and recognize him for all the fantastic work that he has done in that department over the years. With that I would like to call up Chief Dickinson to present him with a proclamation.

First of all, in the few months I have had to be in the capacity of the Public Safety Chair I have had a couple of interactions with the Chief. I can say that from the first hand experience that this guy is a first class guy. Not only is he knowledgeable about the Fire Bureau and takes the leadership role and working with Nassau and the technology transfer to make front line firefighter equipment available to the departments all throughout the world, he's also been the kind of guy that you can talk to.

He is going to give you a straight answer, he is not going to try to sugarcoat anything and he takes a lot of pride in his work and the men and women who work for him.

With that I would like to read the proclamation that honors him today.

MR. DIVEN AND ALL COUNCIL MEMBERS PRESENT:

No. 642 WHEREAS, Fire Chief Charlie Dickinson began his fire-fighting career in Hayward, California as a fire-fighter, where he remained for 24 years rising to the rank of staff battalion chief and,

WHEREAS, Chief Dickinson joined the City of Pittsburgh Bureau of Fire as assistant chief of the fire suppression bureau in June, 1986 and,

WHEREAS, Chief Dickinson was appointed Chief of the Fire Bureau by former Mayor Sophie Masloff and,

WHEREAS, Chief Dickinson oversees approximately 896 personnel and 35 fire stations and,

WHEREAS, during his tenure as Chief with the City of Pittsburgh, Chief Dickinson worked diligently to ensure that our firefighters were given the proper training and up-to-date equipment in order to perform their jobs safely and effectively and,

WHEREAS, Chief Dickinson will forever be remembered for his professionalism and compassion when faced with the Bricelyn Street fire on Valentines Day, 1995 in which three city fire-fighters lost their lives and,

WHEREAS, Chief Dickinson will retire as Chief of the Fire Bureau on August 22, 1998, in order to continue to teach and spend more time with his family.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend and thank Chief Charlie Dickinson for his professionalism, hard work and dedication to his Bureau, as well as to the citizens of the City of Pittsburgh, and wishes him the best of luck in his future endeavors.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Tuesday, July 21, 1998, "Chief Charlie Dickinson Day" in the City of Pittsburgh.

MR. HERTZBERG moved to adopt the

resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Diven:

On behalf of Council I would like to thank you for your dedication to the City of Pittsburgh. We would all like to wish you luck in the future. If you want to say a few words?

Mr. Dickinson:

If I had known it was this much fun. I would have done this years ago. I got the rest of my life. How much you time have you folks got this morning?

My face is a little red because I accept this with sincere humbleness. I don't get this award, this proclamation; hundreds of people that I have worked with from the very first day I walked into a fire station that helped me get to where -- whatever success that this says that I have had. But we all know in our work that it's the people around you that make you successful.

I can tell you if you would have asked in 1962 would I ever believe that I would be in Pittsburgh, Pennsylvania as a Fire Chief we would all laugh together. But life has a funny way of getting you to places where you may be a little bit successful or achieve a dream. My job as a Fire Chief wasn't a dream, it was a job, and it was an avocation. I loved every moment of it, the good and the bad.

We have a motto in the Fire Bureau that we adopted a few years ago. I

am sure most of you will recognize it, it is to the best of our ability. That motto came from Deputy Chief Kolendo who lost a son at Bricelyn Street. If I told you that the Bureau and myself personally have recovered from that that wouldn't be true. I think all of us who go through an experience learn much more and learn particularly what this job, as Fire Chief, is really all about.

Anyone who is a Fire Chief prays in the bottom of his heart or her heart that it will never happen. But if it does, what can we learn from it? What can we do to ensure that it can't in those circumstances happen again? That's what we have worked so hard on.

I could spend so much time talking to you about what I have learned, what I feel about fire protection, but before I finish let me tell you fire is real in Pittsburgh. Just as it was 13 years ago when I got here. I would like to tell that this year we haven't had any structure fires that wouldn't be true. We have had over 200 already this year. We are right on course. We will probably come in a little under 400 fires this year.

But all of you as Council members know the devastation of fires, you have been to fires, you know what it does to families and to people who experience it. I have had an expression for years when our apparatus goes up to respond to structure fires we have lost. This Bureau's journey must and needs to continue to prevent fires with a strong fire prevention division and company inspections to insure that fires to the best of our ability don't occur in this city. If and when we can do that, then this city will be a much safer place to live.

Five people have died in fires in 1998 alone. So we have a long ways to go. If I have learned anything, on my badge like most Fire Chief's badges there are five trumpets. People ask what do those trumpets represent? What do they mean? For all of us, who know in the fire service, the trumpets came from the old days when the strongest and loudest could holler, they got to be the bosses. That's not necessarily true today. What those trumpets mean though to me are several things.

One trumpet certainly means that you serve the firefighters and the officers under your command each and every day 24 hours a day. No matter what the issues are, you're there for them.

Another trumpet certainly means for the political process, this group that I am in front of. I here so much about politics, I have been involved in politics working with Council members for years. But I remind everybody there are millions of people that would give anything to come to our country.

I am not confused about politics, it is the best our country is and what it is all about. That's where the fire service came from was out of politics.

Certainly one trumpet has to be the administration that you work for. If you are going to work for an administration, work for them, believe in them. Put your trust in them because they trust you.

Certainly the fourth trumpet is the public. The public depends upon the Fire Chief to provide them with proper fire protection your city or jurisdiction really needs. I have tried to do that.

And finally the fifth trumpet for me is your integrity as the Fire Chief. What you plan to do? Will you face the tough issues? Will you tell the truth? Will you step up when everybody else would rather you not? That's what I have tried to accomplish.

It has been a long journey, 37 years. I don't think you come to retirement age willingly, I think it happens and you make decisions in your life. All I can tell you it's been an honor and a lifetime of memories. Thank you.

Mr. Ferlo:

Since this is the public record and at some point you will be moving on, I understand you will be possibly teaching and continuing in your profession at a very different level but a very significant and unique level, making a continued contribution.

I have been through a couple of Fire Chiefs; the proclamation didn't point that out. But you were also re-appointed by the new Mayor, Tom Murphy, that's not always the case. I think it was an indication of the confidence that the Mayor and administration had in your abilities that you were re-appointed.

On behalf of my residents, I know you have made several contributions and I want to just note having been here for a little bit of time, I want to thank you for the Fire Inspection Program. I think the proactive outreach that the men and women of the Fire Bureau under your leadership have done going out ahead of time to buildings, doing the kinds of inspections. Sometimes it is a headache we will get calls, small business people

feel like they are being harassed, but in the end I think it's been a successful program. It began to change the focus of the Fire Bureau from just always running out the door and fighting a fire and looking more proactive really at how we actually prevent fires. I want to thank you for that.

The hazardous materials work that you elevated, applying the new NFPA standards on hazardous materials was very important. The way you embellished and reached out to the community with the Smoke Detector Program was very significant. We have thousands of homes now despite the fact that we have a code of ordinances that says you have to have a smoke detector in various levels of the house or building. I think the fact that you went out to the corporate community and public relations wise the men and women of your bureau that door to door outreach. I think it has been significant all over the city. I hope that that kind of initiative continues.

I also -- it's rare that we get an annual report from a department director. The annual report that you give is a great document not only knowing the history of the Fire Bureau but more importantly the history of the administrative activities, the work product activities of the men and women of the bureau and it is a great report. It really benchmarks a lot of the progress and problems in the department.

I have been here a long time, but I have never seen a director send that kind of annual progress report to Council. So I want to thank you. With that, I just want to thank you very much and wish you and your family well on your new career.

Mr. Cohen:

Thank you, Mr. President. You will certainly be missed in city government, Chief. When I was Public Safety Chair on this Council you and I worked very well together. You always gave an honest and accurate answer to any questions I had. You certainly served with integrity and you considered the Chief's job more than a job. I mean for you it was your heart and soul as well as just getting a paycheck. That's something that I know that the people of Pittsburgh will appreciate for a long time.

Mr. Dickinson:

Thank you, I appreciate that.

Mr. Onorato:

Let me also throw in some comments. I want to wish you well and I want to thank you for your years of service to the city. I know my first years on Council I chaired Public Safety, newly sworn in, inexperienced and working with you was a pleasure. Over the years on other committees and just dealing with citywide issues, it has been a pleasure to deal with you.

But one thing that sticks out in my mind or a few things, Chief, that I want to thank you for. One, whenever there was some tough issues going on, you and I have talked in my office, you didn't hesitate to be blunt and to be honest and to shoot straight with me.

Mr. Dickinson:

Sometimes too blunt I assume.

Mr. Onorato:

But I would take that any day over someone trying to beat around the bush. I do appreciate that.

More importantly, I want to congratulate you through good times, through tragedies I was glad that we had somebody of your caliber that was addressing the media and speaking out. You seem to somehow come up with the right words and be able to say the right thing. A lot of people don't measure how important that is when you have a population watching. Sometimes we need somebody to be the spokesman at the right time and you did a great job under some extreme, tough circumstances and I want to thank you for that.

More importantly, I think that you have also been the best example of a professional in your position. Congratulations and enjoy your retirement.

Mr. Dickinson:

Thank you, Sir.

Mr. Ricciardi:

Thank you. Along with my colleagues, I also want to thank you for your dedication to your job and wish you the best. It is interesting you have always said some words here that will always stay with me. Basically you have always stated that once we leave the fire station we sort of lost the battle. That will always stick with me and I will always quote you for that. Because it always showed me that your dedication to prevention and how important prevention was and being proactive because as you always stated once you leave the fire station, you have lost the battle.

I will be quoting you for many years to come and the record will show that. I will always resound in my own mind your words. So again, good luck and hang in there and the best of luck to you and your family.

Mr. Dickinson:

Thank you, I appreciate that.

Ms. McDonald:

Just for the record, normally I don't add to what has already been said. But I do want this part of the official record. My sincere congratulations on your retirement and on your new ventures that you plan to pursue.

I think that whatever you do in life you will be successful. I have gained quite a bit of respect for you as one of our heads of a department in terms of being the Chief of the Fire Department. Simply because it is not only the expertise, the administration skills, but you have the heart. That makes a big difference especially working in the Fire Department where you are dealing with people's lives.

So again, the incident that happened in my Council -- the unfortunate incident that happened in 1995 where three were lost for the dumbest of reasons and senseless loss of lives, you came to the floor and showed your heart. That the fact that you could balance out getting it together as far as the guys and the women in the Fire Department, making the proper changes, and at the same time insuring that there was adequate time for people to express their feelings. Again, their hearts and souls for what had happened.

So again, I appreciate your service, I personally appreciate your service to the city and I wish you all the best.

Mr. Udin:

I also want to wish you a happy retirement. Reflecting back on my first days in Council, I am reminded of coming over to the department and having you to introduce me to all of your chiefs and take me on a tour. I was impressed then with the professionalism that you brought to the department. It was exhibited by all of your assistant chiefs.

The legacy that you will leave behind is one that is going to be difficult for your successors to fill. One, the attention to prevention that you have made the entire city aware of, is an important legacy.

Secondly, I have also been impressed with your tremendous knowledge of fire fighting technology. The modernization that you have been able to bring to Pittsburgh's Fire Department, I am sure has saved many lives not only of firefighters but of the public as well.

So you have really raised the bar in terms of fire fighting, management, and representing the people whom work for you as well as representing the people who you work for. I think all of our knowledge and our lives have been enhanced by your stewardship. Thank you very much.

Mr. Dickinson:

Thank you, Councilman.

Mr. Hertzberg:

Thanks, Mr. President. First let me say it's been my pleasure to serve you as your Councilman. I know you are a resident of Council District Two. To thank you for the fine services you have provided for the City of Pittsburgh -- I have been very much impressed with your candor and honesty with City Council and with the Mayor.

The answers that you have given have not always been ones that we wanted to hear and I don't think the Mayor's always wanted to hear those answers, but they have always been the truth. I think that in doing that you have made the Fire Bureau a better Fire Bureau and in fact one of the best there is of any major city in the country.

Further I think the emphasis that you placed on the safety of our firefighters has been a great help. We have had losses but they are a lot less than they could have been. Not only do we get the equipment to keep them safe but all the different apparatus.

I know you are on the cutting edge of what is needed to keep them safe in their job, which requires them to go in harms way. You have done everything you can do to make them as safe as they can be. We appreciate your services.

The Chair:

If I can have the final say? I have always enjoyed seeing you in City Council but I don't like to see you out when you are working. Unfortunately, I have seen you in action. Unfortunately, for the public that the big fires (inaudible) or our latest tragedy in Greenfield. You and I toured the building, and you showed me

the problems by not having the fire alarms working, the batteries, and things like that.

I think you have done a great job, but we still have a long way to go in the prevention. I hope whomever replaces you has that same passion. Especially last night I heard on the TV interview if I choose not to have an alarm, that is one thing, but it is not fair for children, they can't make that decision.

That urgency that you have shown and we can all take up the banner and hopefully prevent any other tragedies that we have seen in the past. But on behalf of all of the people of Pittsburgh, I want to thank you for your hard work, dedication, integrity and I have been very proud to be associated with you.

It is an honor for all of us. I would like all members to have a picture with the Chief.

Mr. Diven:

I guess it would be out of the question to ask you to reconsider now that you know how Council feels.

Mr. Hertzberg:

Individuals from Three Rivers Center for Independent Living please come forward.

Annually there is a celebration and a recognition for the passage of the American's With Disability Act eight years ago. That's what this resolution is about. I am joined by Bill Chrisner who is the President and Executive Director of the Three River's Center for Independent Living, Dave Misra who is the Special

Assistant to the Executive Director and Donna Wiggim who is the Volunteer Coordinator at Three Rivers Center for Independent Living. Let me read the resolution:

MR. HERTZBERG PRESENTS:

No. 643 WHEREAS, Three Rivers Center for Independent Living, located at 7110 Penn Avenue, Pittsburgh, PA 15208, is a non-profit, consumer-controlled, organization dedicated since 1980, to empowering individuals with disabilities to take control of their lives and to live independently and productively within the region; and

WHEREAS, on July 26, 1990, in a history making event, President George Bush spoke of challenges, optimism, and dreams when he signed into law the Americans with Disabilities Act, the most important civil rights legislation enacted in the past 25 years; and

WHEREAS, Three Rivers Center for Independent Living has a tradition of commemorating the anniversary of this important event by holding an annual march for freedom and independence, that is affectionately called "Walk N Roll"; and

WHEREAS, this year's "Walk N Roll" will take place on Saturday, July 25th from 4:00 P.M. to 6:30 P.M. with the goal to heighten awareness of the physical, attitudinal, systemic and communication barriers that exist for over 500,000 individuals in Southwestern Pennsylvania with disabilities and a celebration of the positive effect on society when barriers are removed; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends Three Rivers Center for Independent Living for heightening public awareness of the barriers that confront people with disabilities; and,

BE IT FURTHER RESOLVED, that Pittsburgh City Council proclaims July 25, 1998 as WALK N ROLL DAY in the City of Pittsburgh.

MR. FERLO moved to adopt the resolution.

MS. MCDONALD seconded the motion.

Which motion prevailed.

Mr. Hertzberg:

Thank you. I just briefly want to make a couple of comments. I appreciate Council's assistance in the past year. We were finally able to make Council Chambers accessible with the new apparatus on the door. That took a long time and there is still quite a bit to go as far as Council is concerned. I think our next Capital Budget will present us with a couple of opportunities to do some things that will be of great benefit to those with disabilities.

I think we have all heard the discussions on the lawsuit that's been filed against the city relative to curb cuts in the city. We haven't kept up with what we are required to do. There is litigation going on and I think our Law Department is taking a position that looks at the different cases and court decisions and says well what do we have to do?

I appreciate that, I know what the law is, what it may be. I know you can take that kind of position, but I hope Council and I hope the Mayor's Office won't take that kind of position.

The Capital Budget presents us with some opportunities that say we don't necessarily have to worry about what the law is, we set the priorities. We decided what they are. There is nothing wrong with us catching up and spending some money to make our streets more accessible and to get rid of some of the barriers and that is what this is about on Saturday.

Finally with the Carnegie Libraries, that's also something that has been sitting around for a long time. The City of Pittsburgh owns the Carnegie Libraries. I know in my district, out of three branches, two of them are not accessible at all. They've extremely large stairways. I think throughout the city there are neighborhood branches that suffer from the same problems.

We have something in the Capital Budget, but it is really not moving. I don't think there is a real plan. I don't think anyone is ready to start anything. So hopefully with the 1999 Capital Budget those are a couple of issues that we can resolve.

Now let me turn to Three Rivers Center for Independent Living, from Bill or Dave whichever one of you would like to speak first about this Saturday's events or anything else.

Mr. Chrisner:

Thank you very much. Thank you and we are accepting this proclamation

today in memory of Eric Hertzberg, Alan's brother, who passed away last Wednesday. We are going to dedicate the Walk and Roll this year to Eric's memory.

Eric was an example of what can happen when people with disabilities are given an opportunity to contribute to their community. We are going to miss Eric very much. Eric wasn't a courageous hero, he wasn't a pitiful cripple, he was just a human being. A human being with a disability, doing his best to play the game -- the hand in the game of life that was dealt to him. Even though he played it with a gusto, humor and integrity, we really celebrate his life and his contribution to this community. And so we are accepting that on his behalf.

It has been eight years since the ADA passed, was signed into law. It has been six half years since state and local governments and places of public accommodation are not supposed to discriminate any more. It has been six years since the employers of 25 or more people are not supposed to be discriminating anymore against folks with disability. I am here to tell you that passing a law doesn't make people behave correctly. There is still ramped discrimination in this country, in this city. There are still places where people are not welcome who have disabilities. There is 65 to 70 percent unemployment in this country among people with disabilities who want to work. We have a long way to go.

But proclamations like this and days like the Rock and Roll where people with disabilities can take control back from those who would keep them dependent; we are going to make a

difference eventually. When George Bush signed the bill, he indicated that we are spending over \$250 billion a year, that's eight years ago. To keep people dependent in this commonwealth for instance, we are spending two half billion dollars a year to keep people in nursing homes and only less than probably 50 million to provide in home personal assistant services, so that people have a choice to stay at home with their families and independent in the community and be contributing members of society.

We have a tendency to want to put people away. We want to sit the segregated seating in the ballpark. We want them to go to segregated education classes, use the segregated transportation system, live in segregated housing, so they don't have to deal with the rest of us. We have a long way but we are working very hard and we are going to be successful eventually.

Thank you, Alan. I hope all of you come to the Walk and Roll on Saturday if you can. We are going to have lots of good speakers and a good time will be had by all. We also did bring you some newsletters so if you have the chance to look through our newsletter, and join Three Rivers Center for Independent Living in celebrating equal opportunity for people with disabilities, we would very much appreciate it.

Mr. Udin:

Thank you, Mr. President. Would Gail and Pastor Monroe please come join us?

This is a resolution acknowledging the work that is being done in the

community to promote computer literacy among young people. I wanted to thank M. Gail Moss and Pastor Johnny Monroe for coming down and joining us today to help move this important issue forward.

MR. UDIN PRESENTS:

No. 644 Whereas, Computer Literacy is recognized by leading educators in the City of Pittsburgh to be vital to the economic future of our young people and critical to the health of our community; and

Whereas, the University of Pittsburgh, the Schenley Heights Community Development Program, the Program to Aid Citizen Enterprise (P.A.C.E.), and the POISE Foundation are committed to education and career opportunities for the children of our neighborhoods. This collaboration of organizations will sponsor a residential computer camp for twenty children from four public schools in the Hill District to promote computer learning, leadership and literacy; and

Whereas, the summer computer camp, Computer Literacy Initiative for Community Kids (C.L.I.C.K.), will enhance the educational experience of children, especially in computer learning, and will result in a generation of young people better prepared to take their place in the economy of tomorrow;

Now Therefore Be It Resolved, that the council of the City of Pittsburgh declares June 21st through June 28th as C.L.I.C.K. Week in the City of Pittsburgh.

MS. MCDONALD moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Ms. Moss:

Good morning. First I would like to thank Sala and City Council for this resolution. The purpose, I guess, I would like to thank the funders. This was a dream of mine that was made a reality that I developed. I have been the Program Coordinator and it has taken the young -- it's targeting mentoring program which the student graduates and undergraduate students from the University of Pittsburgh have become mentors to these students that are in the after school program at the Schenley Heights Development Center.

The purpose and the goal of CLICK which is Computer Literacy Initiative for Community Kids is to strengthen and enhance the efforts to enable city elementary students a chance to be able to know that there is another way of life. College is a possibility and there are things that you can do with your life.

So we just want to thank you for this resolution. And hope that we can continue this effort and take more students away next summer. Thank you.

Pastor Monroe:

Let me just join with Ms. Moss in saying how grateful we are that this camp took place, that young people were able to go to the University of Pittsburgh campus in Greensburg and spent time learning the computer, they will be followed during the year. We expect that we are going to continue to produce some very good

young people in the area of computer literacy.

Talk about good collaboration between community groups and the University of Pittsburgh and we thank you for your support.

If you have any money we would appreciate it so we can help the kids. Thank you.

The Chair:

Our next proclamation is we have Andy Quinn, Director of Community Relations at Kennywood. This is a big day at Kennywood. I know a lot of us will be out there for Italian Day at Kennywood. So make sure, you still have time to get out and buy tickets if you are watching. They are celebrating their 100th Anniversary and it is an honor to have you here. I will read the proclamation.

MR. O'CONNOR AND ALL MEMBERS OF COUNCIL PRESENT:

No. 645 WHEREAS, Kennywood Park, founded in 1898 by the Monongahela Street Railway Company, which was controlled by Andrew Mellon, and was reassigned to A.S. McSwigan and Frederick W. Henninger, whose family members still run Kennywood Park, has provided Pittsburghers with 100 years of enjoyment and service to the City and its surrounding communities, holds the titles of the "Roller Coaster Capital of the World," and "America's finest traditional amusement park," and;

WHEREAS, Kennywood Park has succeeded in preserving the original spirit of the 1898 facility while adapting to

technology of the last 100 years, with the addition of attractions that have contributed to the enjoyment of Pittsburghers in every decade of the 20th century, and;

WHEREAS, Kennywood Park has succeeded in serving as a world class amusement park while being a place where Pittsburghers can learn about the history and development of this City, and was formally recognized for this with its designation as a National Historic Landmark in 1987, and;

WHEREAS, Kennywood Park is commemorating its 100th Anniversary with a photo display tracing the park's history, the refurbishing of the Merry-Go-Round, a Garden Stage Show called "100 Years of Kennywood Memories," and a "Victory Garden" located by the Merry-Go-Round, founded by the Pittsburgh History and Landmarks Foundation;

THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does recognize and congratulate the founders and employees of Kennywood Park in honor of Kennywood Park's 100th Anniversary and thanks Kennywood Park for its contributions to the enjoyment of Pittsburghers and amusement park enthusiasts throughout the world, and does hereby wish Kennywood Park 100 more years of success;

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare the summer of 1998 to be "Kennywood Park Summer" in the City of Pittsburgh.

MR. COHEN moved to adopt the resolution.

MR. FERLO seconded the motion.

Which motion prevailed.

Mr. Quinn:

Good morning. On behalf of the Kennywood Entertainment Company, the Henninger McSwigan family who still have heirs running around at the park even today, we would like to thank the City of Pittsburgh and you the City Council for this proclamation.

I am allowed to tell you next year we have a new roller coaster coming in next year. I am not allowed to tell you what it's like, but it will be unique. It will be the second of its kind in the United States.

With that, thank you very much and hope to you see all at Kennywood today at Italian day.

The Chair:

We have a couple to be read into the record.

MR. ONORATO PRESENTS:

No. 646 WHEREAS, on May 19th, 1998 at 2:45 p.m. Mr. Donald Blunt rendered aid to Mrs. Pauline Miller, the elderly victim of a robbery at Palo Alto and Eloise Streets; and

WHEREAS, Mr. Blunt was in close proximity to Mrs. Miller when her purse was stolen and did not hesitate to stop his own vehicle in order to help her; and

WHEREAS, Mr. Blunt helped

Mrs. Miller into his vehicle and began driving around the neighborhood looking for the perpetrator. Mr. Blunt spent a great deal of time looking for the actor in question but was unsuccessful; and

WHEREAS, Mr. Blunt personally took Mrs. Miller home, made sure she was comfortable and made the necessary phone calls for her; and

WHEREAS, Mr. Blunt gives us all a great example to follow. In today's society with all of its negative headlines, it is a pleasure to see one human being reaching out and helping another.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby commends Mr. Donald Blunt for his tremendous sense of citizenship and for his involvement in helping Mrs. Miller.

MR. O'CONNOR PRESENTS:

No. 647 WHEREAS, Mary Goch Ross was born on August 2, 1908 to William and Mary Goch and has lived in the Greenfield section of Pittsburgh all of her life, and;

WHEREAS, on July 6, 1932 Mary wed Emil K. Ross, and together the couple had three children, Mary Jean Meyer, George W. Ross, and the late Betsy Pacino, and;

WHEREAS, Mary's children have blessed her with seven grandchildren and eight great grandchildren, who bring her much joy, and;

WHEREAS, Mary contributed to the development of business in Greenfield

as the owner and operator of "Betsy Ross Cleaners" from the 1940's to the 1960's, which was located on Greenfield Avenue, and Mary also ran a sub station Post Office from the 1940's until she retired in 1989 at the age of 81, and;

WHEREAS, she was an active member of the Democratic Party from the 1940's to the 1960's, and;

WHEREAS, Mary is active in her community as an auditor for the Greek Catholic Union and was honored by them as Volunteer of the Year in 1997 for her work with the Church and the community, and;

WHEREAS, Mary has a vibrant social life which includes regular visits to Atlantic City, playing Bingo at St. Rosalia's, attendance AARP meetings, socializing at the Greenfield Senior Center and making pierogies at Nativity Church, and;

WHEREAS, today, August 2, 1998, Mary is celebrating her 90th birthday with her friends and family;

THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does congratulate Mary Goch Ross on the occasion of her 90th birthday, and extends its best wishes to her and does hereby proclaim August 2, 1998 to be "Mary Goch Ross Day" in the City of Pittsburgh.

MR. FERLO moved to adopt the resolutions.

MS. MCDONALD seconded the motion.

Which motion prevailed.

The Chair:

Now move to presentation of papers.

MR. COHEN PRESENTED:

No. 648 Resolution providing for the leasing of facility and office space and parking area located in the former Commonwealth of Pennsylvania Police Barracks located on Washington Boulevard to the Pittsburgh Housing Authority for a term of five years at a rental rate of \$1.00 per year.

No. 649 Resolution providing for an extension of Lease Agreement with 564 Forbes Associates L.P. for space in the Manor Building for a term of three years for an annual rate not to exceed \$63,000.

Which were read and referred to the Committee on Lands, Buildings and Procurement.

MR. DIVEN PRESENTED:

No. 650 Resolution transferring \$29,000 from City County Identification and Information Systems Trust Fund to Photo Imaging Trust Fund.

No. 651 Resolution amending Resolution No. 83 so as to decrease the authorized amount from \$500,000 to \$496,000.

Which were read and referred to the Committee on Public Safety Services.

MR. HERTZBERG PRESENTED:

No. 652 Resolution transferring \$300,000 from various Public Works code

accounts to other various code accounts within Public Works.

Which was read and referred to the Committee on Finance and Budget.

MR. HERTZBERG moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. FERLO seconded the motion.

Which motion prevailed.

MS. MCDONALD PRESENTED:

No. 653 Resolution authorizing the issuance of a warrant in favor of the Sheraton Hotel Station Square not to exceed \$4,706 for the Citiparks Senior Interests Program Volunteer Recognition Gala.

Which was read and referred to the Committee on Parks, Recreation and Youth Policy.

MR. ONORATO PRESENTED:

No. 654 Resolution authorizing and directing the Director of the Department of City Planning to establish a Zoning Code Review Committee in conjunction with Legislation revising the Zoning Code in its entirety. (SPONSORED BY MR. ONORATO)

Which was read and referred to the Committee on Planning, Zoning and Land Use.

MR. ONORATO moved to suspend Rule

8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Also,

No. 655 An Ordinance amending and supplementing the Pittsburgh Code, Title Six, Conduct, Article I Section 601.04, Unnecessary Noise and Sound Amplification Devices, by changing the threshold and penalties for violation. (SPONSORED BY MR. ONORATO)

No. 656 Resolution authorizing and directing the Chief of Police to purchase 14 additional A-weighted sound meters for adequate enforcement of the Unnecessary Noise and sound Amplifying Devices ordinance at a cost not to exceed \$15,000.00. (SPONSORED BY MR. ONORATO)

Which was read and referred to the Committee on Public Safety Services.

No. 657 Resolution approving a Conditional Use under Section 993.01(a)(9) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to the University of Pittsburgh for authorization to construct three, four-story garden apartment buildings for student housing with sixteen dwelling units each to be located at 265 Oakland Ave., 260 South Bouquet St. and 300 South Bouquet St. on property zoned

"R4" Multiple-Family Residence Dist., 4th Wd., Council Dist. #3.

Which was read and referred to the Committee on Planning Zoning and Land Use.

MR. RICCIARDI PRESENTED:

No. 658 Resolution amending Re. 298, providing for an agreement with various community organizations for operational/administrative expenses at a cost not to exceed \$1,134,945.00 so as to change the name of one project -- "Southside Baseball Assoc." to "Southside Ballfield Improvements". (SPONSORED BY MR. RICCIARDI)

No. 659 Resolution amending Res. 362 of 1998, filing of a Community Development statement by the City of Pittsburgh with the U.S. Dept. of Housing & Urban Development in connection with the 1998 CBDG Program, so as to change the name of a project in City Council. (SPONSORED BY MR. RICCIARDI)

No. 660 Resolution approving execution of a Contract for Disposition by Sale of Land by and between the URA and Giant Eagle, Inc. (MR. HERTZBERG AND MR. RICCIARDI)

No. 661 Resolution authorizing the URA to pursue a Tax Incremental Financing Proposal for portions of the Broadhead Fording Redevelopment Area No. 24. (MR. RICCIARDI AND MR. HERTZBERG)

No. 662 Resolution for an agreement with Byrd R. Brown Law Offices for legal representation, cost not to exceed \$20,000.00.

No. 663 Resolution providing for the execution of a Cooperation Agreement with the URA for the performance of certain work in connection with the 1998-1999 Community Development Block Grant Program.

Which were read and referred to the Committee on Housing, Economic Development & Promotion.

MR. RICCIARDI moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. ONORATO seconded the motion.

Which motion prevailed.

Mr. Ferlo:

I want to voice an objection to that in particular on one bill. I would ask for a legal advisory opinion.

There is a bill being submitted today -- I am sorry are you about to introduce papers? Are you introducing Finance Papers?

I want to voice my objection -- I will submit a petition and ask for a Public Hearing to delay it. But it is typical because of the fact that we don't have a Parks Director in city government.

Unbeknownst to me, we engaged in this administration with lengthy planning process involving our city parks, in particular Highland Park. I did not know or even have the knowledge that the State Police Barracks was part of the city

property known as Highland Park.

I don't know how the Housing Authority even went on the site and spent a lot of money removing asbestos from a building that originally was built by the Pennsylvania State Police and state government. I don't see why they have to use their valuable resources to clean up asbestos from a building when the state government has a \$600 million surplus.

Now the Planning Director, Director Hirsch, initiated this process in good faith with the Highland Park community and other park enthusiasts regarding massive planning for Highland Park. Unbeknownst to, I think, all of us, including myself low and behold, the property at the State Police Barracks is legally part of Highland Park, which I didn't know.

I don't know that other residents even knew that. At some point, it would be nice to have that as part of the overall master planning for the park use. In fact, we talked about utilizing the open space near the barracks going down to Washington and Butler Street where Allegheny River Boulevard begins for some other park use, continuing the trails. It's just typical of the fact that we don't have a Parks Director, no one communicates at least formerly to the people involved let alone the neighborhood and it's just not a way to do business.

You can waive Rule 8 but I am going to submit a petition asking for a Public Hearing before I vote to give the Housing Authority the building for a police barracks. I think we need to work with the Housing Authority if they have a

problem or concern and a need to locate their police force.

That is something I think we should all work on helping them. But the way this is going down is very secretive, very clandestine, and very manipulative. I would like a legal memo advising Council as to what the legal status is of that property and whether or not there are any covenants.

I am trying to do a two and a half boys and girls club, new building in Leslie Park and we have to go back to the orphans' court to resolve some covenants. And here all of a sudden, unbeknownst to any of us the Housing Authority has already spent money and taken over control of a public building in a public park.

The Chair:

If I may, that was not waived Rule 8 --

Mr. Ricciardi:

Point of order, it appears that the objection you have is not a resolution in the committee that I just --

Mr. Ferlo:

But you just said all bills.

Mr. Ricciardi:

But which resolution --

The Chair:

648 he is concerned about.

Mr. Onorato:

He is referring to this committee --

Mr. Ricciardi:

Are you referring to my committee, Mr. Ferlo?

Mr. Ferlo:

No, Mr. Cohen's committee.

Mr. Ricciardi:

Okay. I was going to say I would not rule eight if you had a problem.

Mr. Ferlo:

I am sorry, I thought he was procedurally asking that all bills be read today waived Rule 8.

The Chair:

He was referring to his committee.

Mr. Cohen:

We didn't waive Rule 8 on that bill and Councilman Ferlo raises some important points. I think we need to give it a lot of consideration. But we did not waive Rule 8 --

The Chair:

He did not Rule 8 --

Mr. Ferlo:

His motion preceded the reading of the bills, that is what confused me.

Mr. Udin:

Point of clarification if I may. I certainly look forward to working with Councilman Ferlo in trying to update him and inform him of every aspect of this proposal. But it has not been done clandestinely, it has not been a secret, there has certainly been obviously a lack of communication, which should have been forthcoming to Councilman Ferlo's office because it is in his district. But the effort of the Housing Authority to move the Housing Authority Police Barracks to that facility has been well known and it is not the first time that the issue has come before Council.

It has come before Council before and it has been publicly discussed for over a year. So I hope that all of the information that the Councilman needs will be immediately forthcoming.

I talked with the Director of the Housing Authority this morning and he's looking forward to meeting with the Councilman and his staff and making sure that all the information that the Councilman needs is forthcoming immediately.

The Chair:

We have eight days before it is on the table.

Mr. Ferlo:

I never remember one time that we have ever discussed the Housing Authority taking over that building, if it is in the public record, that it was discussed, that is news to me.

Mr. Udin:

I will find the public record and bring it back to your attention, Mr. Councilman.

The Chair:

I am surprised that it is in Highland Park.

MR. UDIN PRESENTED:

No. 664 Resolution transferring \$29,053 from Account 568500 to Photo Imaging Trust Fund to satisfy matching fund requirement of the grant.

No. 665 Resolution amending Resolution No. 35 of 1998, so as to include the performance of Disaster Cost Recovery Services and to increase the authorized amount from \$564,740. To \$594,740.

No. 666 Resolution amending Section 1 of Resolution No. 1050 to show a change in the amount of \$178,000.

No. 667 Resolution authorizing the City Controller to transfer indirect costs and other reimbursements due the City from trust funds, federal programs, capital programs and other entities where costs are incurred by the City.

No. 668 Resolution authorizing to increase the bonded indebtedness of the City of Pittsburgh by issuing General Obligation Bonds in the aggregate principal amount of \$200,000,000 consisting of Series A of 1998 Bonds

No. 669 Resolution authorizing to exchange a part of City-owned parcel for

an equal amount of private property. All parcels being located in the Elliott Greenway and West End Overlook.

No. 670 Resolution authorizing the sale of property in the 19th ward designated as Block 1 P, Lot 64, to the Port Authority for \$600.00.

No. 671 Resolution authorizing the City to issue a quit claim deed for property in the 19th ward designated as Block 1 P, Lot 62 and 63 to the Port Authority for \$1,400.

No. 672 Resolution providing for conveyance by the City of certain property under Act No. 171 entitled, "Second Class City Treasurer Sale and Collection Act". (633 Duff Street)

No. 673 Resolution providing for the conveyance by the City of certain property under Act No. 171 entitled, "Second Class City Treasurer Sale and Collection Act". (16 Mayflower St.)

No. 674 Resolution providing for the filing of a petition for the sale of certain property known as Lien Excluded Properties acquired at tax sales. (3219 Dawson St.)

No. 675 Resolution providing for the filing of a petition for the sale of certain property acquired at tax sales. (1525 Hawthorne St.)

Which were read and referred to the Committee on Finance and Budget.

The Chair:

Thank you. On that Bill 648 do you want -- could you, Mr. Cohen, at your

committee could you give us an update in writing from that committee where we are so we know what is transacting so far?

Mr. Cohen:

On the Housing Authority site?

The Chair:

On the police barracks on Washington Boulevard.

Mr. Cohen:

Certainly.

The Chair:

Just have a history so we are all up to date. Especially Mr. Ferlo, it is his district, but I think we all want to be apprised of that.

Mr. Ferlo:

It's actually Councilwoman McDonald's.

The Chair:

All Council members have a very important investment there -- interests there especially now with the soccer field issue. What is going on with the property? I think we all need to be briefed.

Mr. Cohen:

I will ask Director Costa to provide that for us. But I have to tell you, there hasn't been --

Mr. Ferlo:

I don't believe the Housing Authority Police should reside in the Housing Authority communities. That would be terrible.

Mr. Cohen:

What I was going to say is that I was going to tell you, there hasn't been much discussion at the police -- between me and the department on that issue. Guy Costa did bring it up once, and discuss it with me, but there has not been much public discussion on that issue, at least here.

The Chair:

I think we all need is a brief history of what has transacted so far.

Any unfinished business to come in front of Council? Hearing none, Reports of Committee -- Chair Reports. Mr. Ricciardi, on Housing Economic and Promotion.

CHAIR REPORTS

Mr. Ricciardi:

Thank you Mr. President. Thank you, colleagues. I would like to begin with a paragraph describing the committee that I chair and from there we will go on.

I have the privilege of chairing the Committee on Housing, Economic Development and Promotion. Which shall have jurisdiction over all ordinances, resolutions, bills or papers effecting or pertaining to Housing, Economic Development and Promotion, and the activities of the city's Redevelopment Authority and the Mayor's Development

Fund initiative.

The Community Block Grant Program allocations, the small business initiatives, such as street face and the neighborhood business district revitalization programs, the annual application process for the Department of Community Affairs funding, oversight of the Human Relations Commission, and oversight of the city's marketing and promotion activities.

Colleagues, as you can tell there are really six segments to this committee. It's Housing Economic Development and Promotion and marketing on the URA end and there is also Housing Economic Development and Promotion on the City of Pittsburgh, the administration end. That's six segments under the committee.

Today I will report on one of the six segments. Regarding the 1998 mid year for the Mayor's Office, that is the administration's office of Economic Development. I would like to give you the status for each of them, there are five.

Regarding the Development Report, the status of the 1998 City of Pittsburgh development report is currently under production. All photographs for the report have been completed and the final design and writing of the report should be completed for the report to go to print by the end of July. The report will be delivered to the Mayor's Office by mid August.

Regarding doing business in the Pittsburgh document. The preliminary writing and design for the document is currently being done by the Mayor's Office. When the development report is

completed, the same writer and design firm will work on finalizing this document. The expectation is to have doing business in Pittsburgh document completed and delivered to the Mayor's Office shortly after the development report.

Regarding the team Pennsylvania initiative, the Mayor's Office is actively participating in this initiative by making business visits to city businesses, marketing the available economic development marketing programs and working with business to expand their operations in the City of Pittsburgh.

Regarding business visits and notes of appreciation, the Mayor's Office has conducted 76 sales calls on various businesses throughout the City of Pittsburgh in the first six months of 1998. The Mayor's Office has set a goal to call on and visit 120 additional businesses for the remaining six months of 1998. The Mayor's Office has also written over 15 thank you notes to businesses that have made major investments in the City of Pittsburgh over the past year. The office will continue to identify and write notes as projects get completed.

Regarding the Pittsburgh Regional Alliance, the status, the administration has partnered with the Pittsburgh Regional Alliance and Penn Southwest Association in purchasing a trade show booth that will be available to the Mayor's Office to take local and national trade shows to market the City of Pittsburgh.

Attendance at the trade shows. The local trade shows that the Mayor's Office has attended or is planning on attending are the Industrial Site Recycling

Conference, April 13. The National Town Meeting, May 17. The Software Engineering, September 14. The Association of Iron and Steel Engineering, September 21.

The National Trade Shows that the Mayor's Office has attended or is planning on attending are the International Development Research Council Spring World Congress, May 9. The BIO '98, June 14. The International Development Research Council Fall World Progress, October 31, and Natcore International, October 4.

Regarding marketing materials, the administration is working with a local architectural design firm in coordinating the development and creation of our department map. The hope is to have this marketing tool by this fall.

Track and real estate opportunity for perspective businesses. The administration has fielded a number of calls from various businesses, sites selection consultants and real estate representatives on available lease or for sale office and industrial sites in the City of Pittsburgh. The administration has used the least trend database to provide these site opportunities to the interested parties.

Attending neighborhood business association meetings, the administration has attended meetings for by one-half of the business associations thus far for this year and plans on attending the other one-half of the business association meetings in the final six months of the year.

Networking. The administration has attended 11 Pittsburgh High

Technology Council Breakfast Briefings to date. The administration is also in hopes that five networking and business appreciation events with various in the first six months of 98.

The Mayor's Office will continue to attend and host networking events with business leaders in the City of Pittsburgh to work with these businesses in the expansion of their company in the City of Pittsburgh.

In summary, colleagues, we have all supported these initiatives through our remarks and most important through funding opportunities. I think Deputy Mayor Tom Cox and especially Steve Leeper who is a hands on administrator. I think, they are doing a fine job. Because what this means is the creation and the retention of jobs in the City of Pittsburgh and our region. It also means additional tax money into our coffers. Money that is used to deliver services to our average Pittsburgher, our average taxpayers throughout the City of Pittsburgh.

Thank you for listening and once again this was one of six reports that I will be giving within the next several months.

The Chair:

Thank you, Mr. Ricciardi. Any questions?

Briefly, I had the report that is due next month you said it went to the Mayor's Office, does Council get a copy of that or could we?

Mr. Ricciardi:

Yes, I asked Mr. Leeper that we

really should and unfortunately maybe one side or the other has been derelict in their responsibility, Mr. O'Connor. You're right, as President we really should be getting these reports before they're distributed through the City of Pittsburgh. Because number one, we are the ones who budgeted for them. And the report will be in hand before they are given to the corporate community. I have asked Mr. Leeper to forward them to our City Clerk, Linda Johnson-Wasler.

The Chair:

I might request that there is a lot of land and businesses, available opportunities, possibly if they gave Council members a copy of what is available because people in our different districts and neighborhoods are always asking us. If we had a little -- some cases we do, some cases we don't. We may not realize what is there. We can be nine sales persons out there assisting them.

Mr. Ricciardi:

That's an excellent point, Mr. O'Connor. I am not sure the administration does that to that detail, but I do know that South Pittsburgh Economic Revitalization Team, SPERT, and especially the South Side Local Development Corporation does keep an inventory of properties that are available to purchase, to lease, to renovate, it's a big help.

As you know, Mr. O'Connor, there was a developer from the South Side area that was looking forward to take part in the Hazelwood and Greenfield development. I was able to connect him with you and you were able to take him on site visits, because you knew your specific

neighborhood. But you are right, it really should be one database and it hopefully should come from the Mayor's Office.

The Chair:

Thank you very much. I want to introduce two guests we have in the audience. Matthew Wence (phonetic) and Ben Percowski (phonetic), who are two Boy Scouts from Troop 66 in Sheridan, Mr. Hertzberg's District. They are here working on their Citizenship Merit Badges. Welcome, gentlemen, and thanks for being here.

Moving to reports of committee.

REPORTS OF COMMITTEES

MR. UDIN PRESENTED:

Bill No. 676:

Report of the Committee on Finance and Budget for July 15, 1998, transmitting two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 598:

Resolution providing that the City of Pittsburgh enter into a professional services contract or contracts with Fried, Kane, Zuschlag, Walters & Grochmal for the purpose of providing legal counsel for defense of workers' compensation and heart and lung claims. Cost not to exceed \$165,000.00.

Which was read.

Also,

Bill No. 599:

Resolution providing that the City of Pittsburgh enter into a professional services contract or contracts with Ford & Council for the purpose of providing legal counsel for defense of worker's compensation and heart and lung claims. Cost not to exceed \$55,000.00.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills? Bills are now ready for final action. All in favor of the passage of the bills vote aye when your names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES Nine NOES None

Bills have received the legally required number of vote and are passed finally.

MR. HERTZBERG PRESENTED:

Bill No. 677:

Report of the Committee on Public Works. Water, and Environmental Services for July 15, 1998, transmitting one ordinance and sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 493:

Resolution vacating a portion of Converse St. in the 20th Ward, 2nd Council district, of the City of Pittsburgh. (Phase I - Airport Busway Wabash Tunnel/HOV). (HEARING HELD JULY 1, 1998).

Which was read.

Also,

Bill No. 606:

An Ordinance amending the Pittsburgh Code, Title Four Public Places and Property, Section 416.03(a) Street Encroachments and Major Street Obstructions, Permit Required; by providing for notification to City Council of pending applications for street easements, encroachments and vacations. (SPONSORED BY MR. FERLO).

Which was read.

Also,

Bill No. 611:

Resolution granting unto Umesh Nagpal, Subway Sandwiches 415 S. Craig Street, Pittsburgh, PA an encroachment to

construct, maintain and use at their own cost and expense, a sidewalk café, extending 16 Ft. in Length and encroaching 5 Ft. 2 inches onto a 12 Ft. sidewalk in the 4th Ward, 8th Council District, City of Pittsburgh.

Which was read.

Also,

Bill No. 612:

Resolution granting unto Peter A. Lauterbach of Bravo Franco, Inc., 613 Penn Avenue, Pittsburgh, PA 15222, an encroachment to construct, maintain and use at their own cost and expense, a sidewalk Café consisting of 6 tables and 22 chairs at 613 Penn Avenue in the 2nd Ward, 6th Council District, City of Pittsburgh.

Which was read.

Also,

Bill No. 613:

Resolution granting unto H.J. Heinz, USA, Pittsburgh, PA 15230, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, an 8-foot smoking shelter in the 23rd ward, 1st Council District

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Hertzberg:

Thank you. Bill Number 493 regarding the vacation of a portion of Converse Street in the 20th Ward, Second Council District, relative to the airport bus way project. I am going to be voting in support of it. Unfortunately, as I think everyone that went on the tour last Wednesday found out to not extend the bus way to the next phase will probably make this project even worse than it already is and it is already pretty bad.

I was disappointed to find out that the tour did not include a tour of the Wabash Tunnel. I hoped that the Council members and others that went on the tour understand where the Wabash Tunnel is and what the various problems are with the current proposal that eliminates any kind of crossing over the Monongahela River with that bridge.

And with the Recovery Plan, again what you have after you get to this portion of Converse Street and the bus way continues to West Carson, it's going to end there and come down onto West Carson Street.

I think everyone that went on the tour, at least the feed back I received, is that the bus way as it is, is a very good tool. It is a very good bus way; it is going to work very well. But can you imagine how much better it would work and how much more sense it would make and how better of an expenditure it would be if it didn't stop on Carson Street? If it continued in the same manner as an inconclusive bus way to downtown Pittsburgh as it was originally supposed to be?

I as a member, and I appreciate, Mr. President, you putting me on the

SPRPC or Southwestern Pennsylvania Regional Planning Commission. But as a member of that body, I am going to be having to make some votes in the very near future on the plans for future regional transportation improvements. I think probably the top agenda of the administration is going to be the connection of the North Shore through mass transportation.

Unfortunately, if I had to vote on that today, I am going to vote no. I am going to make a long speech on why I am going to vote no. That's because I can't see planning something for the future when we are ignoring an ongoing project the way we are with this airport bus way.

Again, I am voting yes on this. Our hands are tied, but I am going to continue to push for getting this whole project, the Wabash Tunnel, the airport bus way done the way it was originally planned and that is for the bus way to get it off Carson Street.

We had originally planned a Conrail shelf alignment, which would put it a little higher than Carson Street. But there also may now opening up a possibility of also using the CSX shelf, which is below and on the river because of the merger or the acquisition of CSX. We may now have at least one line opening up. That is an unknown so it may make the process even easier if we can get some consensus on where we are going to put the bridge.

I will continue to push the bridge location as being a Stanwix Street touch down that would make it directly aligned with the Wabash tunnel. That makes a heck of a lot of sense. You have a tunnel,

we have spent \$9 million on renovating it. Unfortunately Council didn't see that, but we have to have that tunnel there.

If we have a Stanwix Street crossing then the tunnel, the Wabash Tunnel would go directly downtown and then we can also tie the airport bus way in that way. I think we are going to be receiving some additional legislation on Council in fact something was introduced today. I am not sure exactly what it was, but there are going to be things coming to us in the near future on this bus way and the Wabash Tunnel.

I am going to continue to take the position I have taken. If there is something we can stop and hinder this recovery plan in another way which won't so detrimentally impact the neighborhoods of Council District Two, I am going to hold it up and I am going to vote no on it.

But on this legislation today, I will be voting yes and I would ask that the rest of Council vote yes.

Mr. Ricciardi:

Thank you I will be following Councilman Hertzberg's leadership on this issue and voting yes also. I realize that if we don't vacate Converse Street it's going to add 585 buses onto Chartiers Avenue, which will have a detrimental effect.

I am not going to go over the details, I believe Councilman Hertzberg has directly framed the issue. It's just very sad.

Colleagues, I realize the strength that Council members have but I also realize the limitations that we have

because all elected officials have a role to play in government. But once again, I just see a lack of leadership from the Mayor's Office, from the two County Commissioners, I think Larry Dunn is right on this issue.

I think he is looking out for what is best for Allegheny County and the City of Pittsburgh and Council District Two, which Councilman Hertzberg represents. But the lack of leadership by Commissioners Cranmer and Dawida, the lack of leadership from our own administration and others both on the State and Federal level is just unbelievable. It's just unbelievable the waste -- I am sure it is in the millions of dollars. I am that confident.

The waste of taxpayers money, the disgrace and the embarrassment to have groundbreaking for a bridge that is not going to occur, the lack of good planning, the lack of an authority just gone amuck and Commissioners are able to step into the Rad Boards but they refuse to step in. Show some leadership on the Port Authority Board, the change of personnel at the Port Authority Board and how projects can just be left loose. The Federal Government having one of the largest, I believe, transportation bills in probably the history of the country and our lack of influence both on the federal, state and county level to tap into some of that money is just unbelievable.

I will support Councilman Hertzberg through other votes on this Council because I am not for the Recovery Plan. I just think it's foolish the way we are proceeding. I am looking forward to hearing him articulate his position and our position on the SPRPC Board when it

comes to other places where they're spending the money. But it's interesting and taxpayers are busy, I mean they're raising their families and they're working. But this is our business; this is what we are supposed to be doing.

I don't think it's going to hit home to the taxpayer in the next few weeks, but it will. It will come very soon when work starts on the Fort Pitt Bridge and when it's time to really get out there at the airport. I think in years to come the taxpayer will look back and not play the blame game, they're going to rightfully put the responsibility at the door of many elected officials and fortunately it is not going to be this body.

Mr. Udin:

I want to thank Councilman Hertzberg for his forthrightness and the persistence on this issue and also for arranging the bus tour that some of the members of Council took with the Port Authority officials last week. It was very informational and helpful for this Council member.

I can't imagine many things more complex and difficult than doing transportation planning for a modern urban city such as Pittsburgh and this whole Pittsburgh region. It's a very difficult task. It's not just a question I don't think of simple leadership. I think it is just a lot of conflicting views, people are trying to plan not only for today but plan for ten years from now. It's just very difficult and very complex.

I think we need to continue to have the maximum amount of dialogue between Council and the Mayor's Office, among

members of Council, between Council and SPRPC. We just need to continue to keep cool heads and continue to learn and dialogue about what the various options are and what the objectives that can be achieved by each of these options.

I would remind Council that Councilman Hertzberg and myself are co-sponsoring a Post Agenda on this issue that will be coming forward soon. All of the principle players have been invited and I am sure at that time additional information will be shared.

I would hope though that perhaps the Councilman might make himself available for a smaller tour for those of us who want to see the Wabash Tunnel and the Conrail Shelf and perhaps the CSX shelf as well. Because it is one thing to see the stuff on paper but when you can actually see it visually it adds another dimension of understanding. I would look forward to taking such a tour with you.

Mr. Ferlo:

Obviously we have to vote for the Converse vacation but it does raise the whole issue of what is our over all transportation strategy? How have we prioritized what we need to do? How we need to move people into the future? I for one didn't vote and would never have supported the Market Street Bridge but I don't know that we are any further ahead if we just look at the issue of where the bridge needs to go Stanwix versus somewhere else.

We really are entering the next millenium thinking in the old millenium when it comes to transportation. We had the healthiest economy at the federal level

and at the state level that we have had for many decades. That means there are some resources that should be allocated back to urban areas to deal with critical problems of which transportation is a key factor as it relates to economic development and the livability of our cities.

The eastern suburb communities have raised an issue about the bus way being extended not as a bus way but as light rail transit system. I have to concur with their thoughts. It may not be what is being planned to date. It may be a big ticket item, but if we are going to look ten, 20, 30 years into the next century, we really should begin to look at other things than just concrete roads, and further facilitating traffic and cars and vehicles with one ride passengers. That's not the way to do the future.

I still would like to ask and I don't think it is pie in the sky, I think it would pay for itself long range. I don't see why instead of always focusing in on moving cars and vehicles, we look at a light rail transit system from the airport out to the airport corridor, through the tunnel and coming out through the Grant Street location or the EBA location in such a way that that light rail transit system can go from the airport through the South Hills, over the Mon, into the main financial district of the Grant Street corridor and hook up with the East Bus Way.

So in effect you could go from the airport all the way out to the future Edgewood, Swissvale, and even Monroeville area through a light rail transit system. I don't see why they can't touch down at critical points at the center core of our city including the Grant Street Corridor and the Convention Center.

It could bifurcate at the end of Grant Street, it could go left, it could go right, out the EBA to the eastern suburbs, it could take a left and connect with the Strip District, with the Convention Center. It can go acrossed the river and connect with the North Shore, the development of the stadiums the Science Center and the like.

I would rather spend money and bite the bullet to do something that actually works towards reducing vehicles and cars into the city, responds to something we have never responded. We have a billion-dollar world class airport that is not meaningful connected transportation wise to our city resident in the Allegheny County district. Whether it be employment or business opportunity and the like.

So Converse Street is maybe just a small parochial issue, the bridge may seem like a small parochial issue, but at some point we have to start thinking long range, about how are we going to meet what the transportation needs are.

If we are always just thinking bricks and mortar concrete roadways, and where that system divides and takes the right light rail out to EBA and takes a left along the Wayne Bridge and that route, over to the Convention Center, I don't see why it can't go north also. You have an HOV lane that doesn't make any sense to me, it never has. Because it is built on a theory that you are going to encourage people to ride with multiple passengers in one car if they are given the privilege to ride a little more quickly down the corridor. It theoretically it sounds like a great plan, it just doesn't work down on the practical level.

Why can't the HOV lane be the third prong of a light rail system that would go out to the North Hills community? Then you would have a transportation system that is energy efficient, that is environmentally makes a contribution to this urban area, that links all the vital development areas the North Corridor out to Cranberry Township, back to the city with light rail down the HOV.

You have an airport corridor light rail that goes all the way to the eastern suburbs, comes down Grant Street, bifurcates and goes to the Convention Center and into the North Shore. Is it pie in the sky? It is always going to be pie in the sky if we don't think long range and say it can't be done.

But we are spending millions and millions of dollars on roads that really don't even make any sense. I dispute the notion that because you build a road that necessarily encourages economic development, I don't agree that that is the way development actually happens.

So, again Converse Street may seem like a small issue, but it is really a long-range issue that we need to talk about.

The Chair:

I think we are touching on probably the most important issue to face us in a long time.

Mr. Hertzberg, on the Converse, I think you are right. Going there at least we saw it. As I sat at the table, I thought something was going to go over, and it kind of fits. The only concern I have is how does it drop -- they have explained,

but have you seen any actual plans of how it is going to drop down onto Carson Street?

Mr. Hertzberg:

No, that's still in the design phase as part of that Recovery Plan. That was a major change and they're spending some more money on the engineering design of going onto Carson Street. It is not final.

The Chair:

My question is will Council have any say in that especially since it is in your district?

Mr. Hertzberg:

My expectation is we will. The Corliss Street Tunnel is a City of Pittsburgh tunnel so there maybe at a minimum some area easements that may be required to do that.

The Chair:

I hate -- if you close your eyes and all the exciting things happening in this city between the stadiums, the Convention Center, all the downtown development coming, the new department stores. If you close your eyes, they will be ready in three years and that's probably when we will close the Fort Pitt Bridge.

So, we really have been asleep at the switch for 25-year maybe 30 years since sky bus. If any of you are old enough to remember sky bus in South Park? We could have been the first to have a Monorail system and we are not even thinking about it. I know everyone is kind of piecing their own ideas together, I

think it's time we better roll up our sleeves.

I think Mr. Ricciardi brought up a very important issue. I know Larry Dunn is very -- in fact that's his pet project was transportation. He had a very good relationship with Mr. Shuster who carries the purse strings. The County Commissioners removed him. I think it is time to put politics aside a little bit, maybe put him or somebody like him in charge of that so that somebody is going to take the bull by the horn. But I honestly don't see that happening.

It may fall back on the Council's ears again. Maybe, Mr. Hertzberg, it should be on your lap. You are on the SPAC; someone has to do something. I know we are coming up with different ideas and unless we can bring it together we are in big trouble in this city with transportation.

One other issue, Mr. Ferlo you brought up, I think it is very important. I just had a meeting with the Council members from Edgewood and Rankin, Braddock and Monroeville. They were very concerned and actually they opened my eyes up. Because everybody seems to be focusing in on the last five years to the airport and now the North Side all of the issues. What is going to happen in the east on the other side of Monroeville?

If you ever look at traffic, I am going back for ten years, it is all the way backed up to Church Hill coming in. So if you were coming in and wanted to open a business or office in this city, that would probably be the last place I would want to live, because of the transportation problems.

They are talking about a monorail system. I think we have to get together and start working on it. There are three major sections of this city, they all deserve to get to the -- if we are going to be the center as we have been we can't ignore the East End. When you go past Monroeville, our neighbors, I think they are going to be out there by themselves in the future if we don't do something. The Mon Valley Express Way is only one answer.

Light rail seems to be the initiative, but as you said, Mr. Ferlo, we can do light rail all over this region and let's come up with one basic idea. I was in New York with the Mayor when we were there with the bond people. In the Newark Airport the sky bus system there is designed and built in West Mifflin, I said to the Mayor, I don't care what kind of transportation we start using, let's stop fighting about it, let's start working together on what we want to do.

If you look around, all the railroad accessibility for light rail system. I walked through Schenley Park and looked down over the bridge and saw the railroads sitting there not used that much. With the tie-ins from Oakland, downtown North Side, there is so much potential that I think we had better wake up. How we do it, working with the County Commissioners or Mr. Hertzberg, if you want to take the lead, somebody has go to take the lead on this and spend the time.

Maybe that is with your Post Agenda, we can start looking instead of just detailing where are we going to go and in what direction we want to go. Everyone seems to agree. I have a meeting set up with and you are all welcome we have Congressman Doyle and State Senator

Costa to look at the East End. They are pushing a monorail system.

We shouldn't be looking at three, four or five of them. We should be looking at one that can service this region. The money is there if we all go jointly for it. So it is an exciting time, but it could be a tough time here with all these things built and we close the Fort Pitt Bridge and no way to get there.

Are we ready to vote on our bills?

The transportation, if you look back, I think as a kid going out to sky bus, it could have been all over here and we are not even thinking about it yet and other cities have it.

The bills are now ready for final action. All in favor of the passage of the bills vote aye when names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Hertzberg	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. O'Connor
	(Pres't)

(Mr. Ferlo voted no on Bill 613)

Bills have received the legally required number of votes and are passed finally.

MR. COHEN PRESENTED:

Bill No. 678:

Report of the committee on Lands, Buildings, and Procurement for July 15, 1998, transmitting two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 589:

Resolution providing for the letting of contracts during calendar year 1999, for the maintenance, rental, rehabilitation, renovation inspection or servicing of personal property, and for the maintenance and repair of buildings, structures or any other properties and for any miscellaneous services and providing for payment of the costs thereof.

Which was read.

Also,

Bill No. 590:

Resolution providing for the letting of contracts and the existing contracts for the purchase of materials, general supplies and equipment by various Departments of the City of Pittsburgh during the calendar year 1999, and providing for the payment of the costs thereof.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Cohen:

I do want to acknowledge the memorandum that was sent by Guy Costa to all members of Council answering our questions that we had last Wednesday regarding the utility costs. What we can do for energy conservation measures and also providing the pursuing statistics. I want to thank him for answering those questions.

The answer with regard to the speck report on how we can save energy I think it provides us with the kind of information that we need to follow up on. I do believe when budget time rolls around, and it is going to roll around pretty soon, that we need to have a discussion regarding energy conservation in the City of Pittsburgh facilities. I think this will give us a good start. So I urge all Council members to read that.

The Chair:

I read the report yesterday, and thank him for sending it to us.

The bills are now ready for final action. All in favor of the passage of the bills vote aye when your names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin

Mr. O'Connor
(Pres't)

AYES Nine NOES None

Bills have received the legally required number of votes and are passed finally.

The Chair:

Move to motions and resolutions.

MOTIONS AND RESOLUTIONS

I would like to report we have a meeting this afternoon, a Public Hearing at 2:00 p.m. on the Broadhead Fording Road. On Thursday we have two Public Hearings, one on the Shade Tree Commission at ten in the morning and at two o'clock in the afternoon on the Manchester Youth Development. That is Thursday the twenty-third.

Mr. Ricciardi:

On an issue, colleagues, regarding the Citiparks Magazine, which as you know are all the summer programs in the City of Pittsburgh. I would like to just read the first and second sentence here written by the Director of Parks and Recreation. It says, you have just won when you open the Citiparks Magazine, you won a pass to the best recreational opportunities in Pittsburgh.

Then it also ends that on behalf of the staff of Citiparks, we invite you to explore the opportunities in this magazine for a winning year of recreation.

Well my staff has had an opportunity to go through this magazine.

Unfortunately, I think once again and I will just show one example today that south and southwest of the rivers for some odd reason just does not get properly serviced.

You recall when this came to the Wayfinders signs, Councilman Diven, and Hertzberg and I had to raise that issue. But just look at the movies, outdoor movies, which I think is a big hit, cinema in the parks and cinema concerts through the summer, they're occurring at Schenley Park, Riverview Park, East Hills Park and Market Square.

I support those four locations. I think there are 50 to 100 showings, but there are none south or southwest. I think Grandview Park would be an ideal location. It would service Councilman Diven's, Councilman Hertzberg's District and myself. I am not even going to mention the neighborhoods.

I mean everyone knows all the neighborhoods south and southwest in the area. I just wonder why if you just look at the land mass, if you look at the population south of the rivers, if you look at the tax dollars that are contributed south of the rivers, by all neighborhoods, south and southwest of the rivers that Councilman Hertzberg, Councilman Diven and I represent, you wonder why three colleagues on this Council have to continue to raise the issue with the administration regarding services? You wonder why other colleagues have to come to our support through their remarks because everyone on Council has supported south and southwest of the rivers and supported remarks.

I am hoping I am misreading this,

but every week I am going to show you one and I am going to go right through September and October. What is the reason? I am not sure.

So I will just let it on the table because it's probably too late now. I have talked to Mr. Diven and Mr. Hertzberg and maybe we have to see what is going on here. I would like the Chair, Ms. McDonald, to bring this back to the Director of Parks and Recreation. I am hoping I am miss reading this book, but I am very upset and the taxpayers south and southwest of rivers once again have to travel to get city services. It's just beyond reason. Thank you.

Ms. McDonald:

I appreciate those remarks and this is an ongoing issue as far as the lack of, I guess, recreational opportunities that should be -- should exist in the south and west as those regions particularly just south are bursting at the seams as far as residents. People moving there. We have new housing development and we need to also address that.

With the current budgets that it has and it is a bare bones type of budget that Parks and Recreation would have, it is very difficult right now to be able to address that in an immediate fashion. It would have to be a long-range issue; it would have to involve collaboration such as with the Pittsburgh Parks Conservancy as well as other funders -- outside funding entities.

What I would like to do is instead of -- we are good for Post Agendas and Public Hearings, I would just like to get things done. What I would like to have

instead is for interested parties, Councilman Diven, Councilman Hertzberg, and Councilman Ricciardi who represent those areas of the city that have been I can't even say neglected they just have never been developed in terms of a lot of Parks and Recreational areas there.

If we could sit down and have a meeting with the Director of Parks, with the Director of Planning as well as Public Works whoever would be necessary at the table. I will bring the appropriate parties to the table, and we can discuss what is already in the hopper in terms of development where are we. Because I think there are some ideas out there. It's all part of a strategic planning process and let the Councilmen take the lead for the district in the south and the west in strategic planning with the directors.

So definitely I will bring that to her attention and your comments are warranted. Let me just add the East Hills is a very unique avenue for cinema in the parks. How that came about is there was a very very active resident there, she is a leader in the community as well as a democratic committeewoman. She really she hounded everyone, she wanted cinema in the parks in the East Hills area. And it was through her efforts, and that's why it's there.

It was not an administration decision. It was basically a response to her concerns as well as others in the community. So she ended up bringing it there. I will tell you her name. Her name was June Bryant. Thank you.

Mr. Ferlo:

The \$85,000 that were paid for the

director that we don't have could buy a lot of films around the city.

The Chair:

I know Flag Staff Hill in Schenley Park is probably a center and they are really tremendous success. I think you're right we should have a region in the south and west, I am sure North Side is successful too. But I know on Flag Staff Hill it is a big event and my wife asked me what is playing tomorrow night, we may take the kids.

So it's really a family event for everyone and it should be shared among the city. I hope you can get together you have three. I know you have a strong advocate in the East Hills, but we have three strong advocates here so you Council members, let's pull together and make that happen.

Mr. Cohen:

Thank you. I just want to speak in support of Councilman Ricciardi. Although I live north of one river and south of the other, he's absolutely right. There is no reason why you would need as an example cinema in the parks; there is no reason why you need to have Regional Park to do that.

I am sure that's probably the answer you're going to get from the Parks Department is that there is not a Regional Park south of the rivers, and therefore that's the reason. But that is not a good reason. It really isn't. There are lots of community sites where you could have summer cinema and get people out of the house on those hot summer days. So I certainly support them 100 percent and

would be happy to be involved in it.

Mr. Ferlo:

Just very quickly, a quick update. First of all, I wanted to ask Council members, I know we have a busy week this week. But we, as a follow up to Council's discussion on the whole street face program, the dilemma faced by many of our neighborhood groups who have the perimeters of that street face program, which has been so effective being changed by the state government. We have a meeting tomorrow at 2:00 with Deputy Secretary David Black from the Department of Community and Economic Development.

It is going to be here in Pittsburgh fortunately. So we have a number of community development leaders, board members attending and myself. I would please ask if any colleagues could attend. Councilman Cohen wanted to be there, he has an Authority Board Meeting unfortunately. But if any of you, all could attend, you know how vital and important the street face program to revitalizing our neighborhood commercial district. So if any of you could attend, I would very much appreciate you being there tomorrow at two in the State Office Building. I have sent you an earlier memo on that.

The Chair:

On that subject, could you re-educate maybe myself and others, where does that stand with the governors now? That is not going to be a grant anymore.

Mr. Ferlo:

The basic problem is they are moving to not a grant program, which has been the reason why the program has been so effective. Again, we are talking about a very small amount of money.

The Chair:

When will that happen? I have been asked is it a law now, or is it the new budget?

Mr. Ferlo:

It is not even a law. It is just the way the secretary of the department is interpreting what he thinks the regulations need to be. It is within their discretion to maintain the program, the way we have been working the program over these many years. It has lead to the success of this program. So we are influencing bureaucratic --

Secondly, under Nabisco, Mr. President and members of Council, many people and I want to thank all the colleagues for coming out a little over two weeks ago. We had a significant community show of support for Nabisco Company. The Mayor even before that rally hit the ground running. I want to thank the Mayor for his leadership; he was already on the phone and even since the rally he has engaged in discussions with Nabisco representatives.

We have basically a two pronged approach to Nabisco. We want to have what I can best describe as a summer lovefest with Nabisco. We want this corporation to realize how important this plant and this product is to the Pittsburgh area and to the whole region. We are encouraging people to be supportive by

actually purchasing additional Nabisco products on the grocery shelves, especially the Ritz Cracker and the Ritz Bits which are made here in the City of Pittsburgh out in East Liberty.

The Mayor is following up he will be probably traveling to New Jersey very shortly to meet with the appropriate authorities of Nabisco. He is going to do what he does best. He is going to make it clear that we can be a player in this city with any needs that Nabisco as a company for plant modernization expansion, retention you name it. If there is something that we can do to make the plant more productive, even more than it is currently. We need to be a player and I am very confident and certainly the community and the work force is confident in the Mayor's abilities to communicate to Nabisco.

Independently of that we want to still travel to New Jersey. We are still working on scheduling a community delegation from the neighborhoods and representing different groups throughout the city. We would like to go there and again convey to them how much support and how proud we are of the history of this product and the workforce here in the City of Pittsburgh.

We are working with the Mayor's help on having a Pirate Nabisco Day at the stadium as a way of promoting the product to the Pittsburgh region. The Mayor is helping with getting local corporate leaders to make follow up personal phone calls to Nabisco representatives to reinforce the climate that we have here and again the desire that we all have to keep Nabisco working here in the City of Pittsburgh.

We continue to reach out to individual consumers to communicate through letter writing and post cards their support for the product. So, I will keep everybody informed there. Everyone has been very supportive that has been true for the State House and the State Senate delegation, Congressman Coyne, you name it. Everyone has agreed to step up to the plate.

So I am hopeful that in this period the next month and a half the Mayor has indicated that Nabisco said they will not make any pronouncement or any final decision until the latter part of August. So it gives us some time to get out there and promote the product, communicate to Nabisco how important this product is to the Pittsburgh work force and to the region and do what we need to do to keep this plant open and operating here in the city.

The Chair:

I want to thank you and Aggie Brose (phonetic) for bringing everyone together. As you said, everyone has really pulled together for this, but out of your meeting yesterday in the Mayor's Office, I think what really was clear this isn't a Union management thing, and it is not just unions or anything like that.

It is really a community effort 350 jobs here, they pay good wages and this is a plant that has been there for years. It makes a product here and we want to keep it here but the whole community has to rally around it, so far they have.

Mr. Ferlo:

Also the Labor Council has represented yesterday and I had asked the

Labor Council to consider that this year for their annual Labor Day Parade that they make the theme or focus in with contingents or with floats all the local companies that are housed here in the City. Make local products and have great work forces including Unionized work forces, how important Heinz or Nabisco is.

We still have the ongoing struggle with the LTV and the great hope there to have a new modern facility. So we are asking also the Labor Council to think about a way to promote the local companies that have a great work force and how important it is that we all support the Local Pittsburgh area products in this region.

The Chair:

One other thing, the Mayor mentioned when he called the head of Nabisco, he said what a great work force we have here. So that is a credit to everyone involved. So it is not a question of our workers can't compete with anyone else. They can and actually their productivity is one of the tops in the Nabisco chain.

Mr. Ferlo:

This being the month of July, Mr. President, as you know the Nabisco work force is already met and exceeded the year end production goal for Nabisco headquarters. So, I think they are very proud of that.

The Chair:

That strong Pittsburgh work ethic is really paying off, I think, in these cases.

Mr. Onorato:

Mr. President, colleagues, this will be real brief because we will have time next week to discuss it. I introduced two bills today to address a growing concern that all of us have but it is really a quality of life issue. That is, it appears to be the growing problem of cars and the noise booming out of these cars throughout all of our neighborhoods.

I gradually have been getting more and more complaints over the years. I know in prior years that Councilwoman Madoff tried to address this. So I did a study of other cities to try to find out why it wasn't working, because her bill just didn't work. It appears the problem was the decibel level she tried to go after and it wasn't reality.

So I looked at what other cities were doing to address this concern because a lot of Mayor's have been pretty aggressive about quality of life issues, New York, Chicago. I put in a bill that is a highbred of a lot of the different techniques and procedures that the cities were using.

The bill basically will take the city code, which uses an 85-decibel number down to about 68. Also, if you have officers that don't have the electronic equipment to monitor the decibel, Chicago is creative in putting in a distance. My bill is going to have a distance of 75 feet. If an officer can hear the noise from 75 feet away, can make a judgment call and enforce the law.

The other side of it is the punishment side. Right now the punishment is up to a \$300 fine in the

existing code. The bill I introduce will change that. It will be a \$300 fine on the first offense. On the second offense we are going to take this seriously if this passes. It is a \$300 fine plus the police have the power to impound your car on the second offense.

But the reason I am talking about it now, I want the Clerk if we can send the bill over to the Law Department and also to the Chief of Police so they are prepared to discuss this next Wednesday, a week from tomorrow.

The corresponding legislation to this bill that I introduced today, actually deals with the purchase of the equipment that we need to monitor the decibels. It costs about \$900 to \$1000 per piece of equipment. I have a cost not to exceed \$15,000. We have some of the equipment already but that \$15,000 would basically put three monitoring devices in every police zone. So, those officers could use the device. Plus the officers without devices could use the distance requirement.

This would seriously attack that problem. We will no longer have to tell our residents, we have a decibel gauge in the code but you can't monitor it. This will monitor it. This can be enforced and other cities are doing it. I think we should take this very seriously. It goes again to people making decisions should I stay on the street in my area in the city or should I move to the suburbs. If we can't even guarantee quiet streets in the city, there is no way people want to stay here.

It is just another example of chipping away at the quality of life and that I want to aggressively attack it. I look

forward to the debate next Wednesday. If anyone has any suggestions or comments, please review the bills before next Wednesday and hopefully we will have the Law Department and the Chief of Police here to address the issues that are presented.

The Chair:

I just had a call from Mr. James this morning, and he said when he is running his gas lawnmower, and it makes a lot of noise, he can actually hear some of the kids coming down with their cars blasting over that.

The other night I was driving some kids home from a pony league game and we had our windows down and it was Sunday night, it was hot, and every time we stopped for a traffic light you could hear the other guy's radio.

Nowadays you don't even need a radio you can hear everyone else's. So I think it is well needed and something we should be looking at.

Motion to approve the minutes.

MS. MCDONALD moved to approve the minutes

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

Motion to adjourn.

MS. MCDONALD moved to adjourn the meeting.

MR. COHEN seconded the motion.

And on the motion made by Councilwoman McDonald, the meeting adjourned.

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED THIRTIETH COUNCIL

BOB O'CONNOR.....President
LINDA M. JOHNSON-WASLER....City Clerk
JOHN A. MASCIO.....Deputy City Clerk

Pittsburgh, PA
Tuesday, July 28, 1998

PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Diven	Mr. Ricciardi
Mr. Ferlo	Mr. Udin
Mr. Hertzberg	Mr. O'Connor
Ms. McDonald	(Pres't)

The Chair:

Will you please stand for the pledge of allegiance and please remain standing for a moment of silent prayer.

I would like you to remember Officers Jacob Chestnut and John Gibson whom died defending the Capital of our country and the people's house.

Here with us today is our special guest; we have Richard McClain, who is

13 years old. He will be starting Westinghouse High School next year and he's a member of the East Liberty Concerned Citizens. He brought a group and some friends down with him.

He enjoys playing basketball and he also collects basketball and football cards. His father is a city policeman.

Richard McClain:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all.

The Chair:

On behalf of Council I would like to present you with a flag of our city and country.

We have read and adopted to be read into the record.

PRESENTATIONS

MR. HERTZBERG AND ALL MEMBERS OF COUNCIL PRESENT:

No. 679 WHEREAS, Training Applicants for Placement Success (TAPS), is a federally funded program designed to provide employment placement services to persons with epilepsy/seizure disorders; and,

WHEREAS, the TAPS program is a cost effective, results driven method of providing services to people who have many barriers to employment; and

WHEREAS, in 1997, 1,481 individuals enrolled in the TAPS project; 925 people were successful in finding jobs; 79% of these people were still holding jobs after the 90 day follow-up point; and the cost per placement was less than \$800 per person; and,

WHEREAS, TAPS operates under the auspice of the Epilepsy Foundation of Western Pennsylvania; and

WHEREAS, the Foundation just received news that the Department of Labor grant would not be renewed, and attempts to receive information regarding this notice have been unsuccessful.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh acknowledges the important services provided by TAPS, and hereby requests the Department of Labor to reinstate funding for this important program; and

BE IT FURTHER RESOLVED that the Clerk's Office will forward copies of this Resolution to U.S. Senators Specter and Santorum and Congressmen Jack Murtha and Bill Coyne.

MR. HERTZBERG moved to adopt the resolution.

MS. MCDONALD seconded the motion.

Which motion prevailed.

MS. MCDONALD PRESENTS:

No. 680 WHEREAS, the Young Women's Christian Association (YWCA) of Greater Pittsburgh will host the 35th national YWCA convention from July 22, 1998 thru July 25, 1998 at the David L. Lawrence convention center. More than 1,000 women from all 50 states are expected to attend the national convention; and

WHEREAS, "Mission Imperative: Claim the Power" is the theme for this year's convention. Speakers for the convention include author Amy Tan, poet and playwright Maya Angelou, and ABC news anchor, Cokie Roberts. Other notable events of the convention include performances by Melba Moore and Nancy Wilson. In addition to these events there will be numerous honors and awards given to women entrepreneurs; and

WHEREAS, when the YWCA was initiated 140 years ago by a group of 35 women in New York City, its mission was to help women and girls develop their full potential. As a result of devotion and hard work, the YWCA has evolved into an Association that creates important opportunities for women all over the country. Strengthened by diversity, the Association draws together members who strive for women's growth, leadership and power in order to attain a common vision: peace, justice, freedom and dignity for all people; and

WHEREAS, nourished by its roots in the Christian faith, the YWCA has continuously driven its collective powers towards the elimination of racism, wherever it exists and by any means necessary.

NOW, THEREFORE BE IT RESOLVED, that Council of the City of Pittsburgh commends and recognizes the Young Women's Christian Association for its dedication to the empowerment of women and the struggle for freedom among all people.

MS. MCDONALD moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Move to presentations.

MR. ONORATO PRESENTED:

No. 681 Resolution amending Resolution No. 502 of 1997, as amended, entitled, "Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1995 Community Development Block Grant Program" by deleting \$4,000 from Perry Athletic Association and adding \$4,000 to East North Side Action Committee.

Which was read and referred to the Committee on Housing, Economic Development and Promotion.

MS. MCDONALD moved to suspend Rule 8 by providing for consideration of the bill until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. FERLO seconded the motion.

Which motion prevailed.

MR. UDIN PRESENTED:

No 682 Resolution authorizing the Mayor to solicit bids from eligible companies and to enter into an Agreement or Agreements with the chosen bidder, in a form approved by the City Solicitor, to establish a transit shelter program for the installation and maintenance of bus shelters at selected sites throughout the City, including the sale and placement of advertising signs on designated shelters.

No. 683 Resolution providing for an Agreement or Agreements with a consultant or consultants for professional training services at a cost not to exceed \$55,000.00 and providing for the payment of the cost thereof.

Which were read and referred to the Committee on Finance and Budget.

MR. UDIN moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MS. MCDONALD seconded the motion.

Which motion prevailed.

The Chair:

For the record Councilman Onorato is at a meeting. He will be here soon.

MR. O'CONNOR PRESENTED:

No. 684 A resolution authorizing the appointment of John Staudacher as a Director of the City Information Systems.

No. 685 A communication from Linda M. Johnson-Wasler City Clerk, submitting the first and second quarter travel reports of 1998 from various departments.

No. 686 A communication from Tom Flaherty, City Controller, submitting the City of Pittsburgh comprehensive annual financial report for the fiscal year ended December 31, 1997.

MR. FERLO moved to receive and file.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Any unfinished business to come in front of Council?

Mr. Ricciardi:

Just a point of order, Mr. President, maybe I just misunderstood. The administration nominated a gentleman, John for the position of Director of CIS. Is he coming before us?

The Chair:

He does not have to. He does not need our -- he's not a director. He has the title of director, he falls under the management of the -- we checked with the legal department.

Mr. Ricciardi:

What I would like to ask just as a personal courtesy to this legislative body, I think we should invite John to the table so we can understand his policy, get to better know the gentleman. I think he's a fine gentleman. I think he is very articulate. I think he is very knowledgeable of the system. I would like him to come before us and specifically address PeopleSoft, because obviously he was one of the architects that brought PeopleSoft into the city.

I think it will be great to have him at the table so we can understand the status of PeopleSoft. I want to know which departments are using PeopleSoft, which ones are using it to encumber funds, which ones are using it for DI's, for transfers. Because there are a number of departments, I think, there are only two that are using it for both, both DI's and encumbering funds.

I am even sad to say that I don't believe that our own City Council is using it for both means. There must be a reason for that.

If no objection I would like to make a motion that Mr. John Staudacher come before us as a personal courtesy and be prepared to talk about PeopleSoft and the amount of money we spent for it, if it is doing well? If there is anything we have to look for in it? Do we need additional training or do we have to sue the vendor? I think the system just does not work. Thank you.

The Chair:

I think that's a very good motion and I --

MR. UDIN seconded the motion.

Which motion prevailed.

The Chair:

John is on vacation. He's more than willing to come. I think it's a good idea. So we will have it after the break.

Mr. Cohen:

I just want to note that I think most of us have had this discussion with Mr. Staudacher. I think the motion to have him come before Council is a very proper one. But he does have some ideas, specific ideas, on what to do about PeopleSoft. I think some of them are very good and that we should hear those ideas.

The Chair:

I think to let the public and the employees know what is going on with PeopleSoft. We have made a tremendous investment in that.

Under Committee Chair Reports, Ms. McDonald on Parks, Recreation and Youth Policy.

CHAIR REPORTS

Ms. McDonald:

Yes, thank you. I am not going to go over some of the items that were discussed at the last presentation, but I will highlight some.

In cooperation with the Department of City Planning, Parks and Recreation successfully opened a new farmers market in East Liberty. The program as an update

is off to a very good start. It is extremely well received by the public and there was excellent media coverage for the grand opening. It is every Thursday from four to eight.

In cooperation with the Department of Public Works and Engineering and Construction, Parks will enter into the final phase of the development of an official one-half mile cycling criterion course at the former Washington Boulevard Driver Training Location. Groundbreaking is anticipated the week of August 17. Completion date is projected on or about the end of August. So Washington Boulevard, the green space right beside the barracks, will be used for a one-half mile cycling criterion course.

We are in the final phase of the new sand volleyball courts at the Highland Park swimming pool. You don't see anything right now, but they're in the final phase. It is not completed as of this date. Also when I was there last, I had inquired as to that God awful shed that is there that used to be for tackle and fishing supplies, whatever. It's falling down. I would hope that -- this is not being addressed at the time, but it is a concern. I would hope that in the master planning process as well as when the Parks Conservancy convenes again that will be one of the items that will come up in their discussions on the four regional parks is what to do with that thing.

There was a creation of a ten team little league program for the Housing Authority as part of the Big League initiative. The league is winding down to a conclusion but you should know that two Housing Authority teams from this program will qualify for the Mayor's Cup

Tournament at Three Rivers Stadium.

They have finalized plans for the upgrade and improvement in the equipment inventory at all existing recreational centers. The assessment for the equipment is completed and purchase requests and bids are to be submitted by mid August.

I am only giving this out because we talked about it before. In corporation with the Mayor's Office the Weed and Seed Initiative they were engaged in a planning process for a 5K foot race through Hazelwood business and residential community. It's come up this fall.

The racecourse is still unsettled and they are working within Public Safety to finalize the process. I guess that will be -- President O'Connor is running, I was just informed. If not, I guess Alan --

There are two areas of concern left. A challenge of the 120 day pilot program for off leash exercise areas. They have prepared a meeting; it is set for August 4th at five o'clock p.m. in City Council Chambers. Again, the first meeting of the pilot program of the off leash exercise is set for August 4th at 5:00 p.m. here in City Council Chambers.

There is going to continue to be a challenge to find external funding for major program initiatives such as the community enrichment and Big League. I am sure that will probably be a budgetary -- it's coming again, it will probably be back on the chopping block. So that's a heads up.

That completes my report,

Mr. President.

The Chair:

On the West Ends or South Side.

Ms. McDonald:

They gave me all -- I can't read all of this. That completes my report as of this time.

The Chair:

Do we have any information, I know it is quick timing as far as the West End, South Hills movies? Did we have an opportunity --

Ms. McDonald:

For the cinema in the parks? No, I think it maybe too late to have a cinema in the parks program for the West End. But it certainly as long as I can be reminded to and then Parks will be reminded to bring this up in the planning process for next year because certainly it should be in all areas of the city, I agree.

The Chair:

I know you're talking Big League. When are the final playoffs? Some of your teams are in it.

Mr. Hertzberg:

I know there is already an Elliott and West End team in the finals. I can tell you that. At least one, I am sure there are more.

My question actually was on the West End Senior Center. It is not a

question so much as a comment.

Ms. McDonald:

I apologize. I wasn't aware - it's my fault that I was supposed to give this report. We had called Parks and Rec and asked Mary Esther VanShura if she could give us something. Mary Esther is just very very thorough. You can see all the papers. I haven't read them.

But the areas of concern are for Senior Interest there's continuation and negotiations with the owner of a property in the West End for a new Senior Community Center. Our negotiations continue with special emphases on assisting the owner in securing a loan at an acceptable lending rate. That's it.

I also have some information on the Joe Natoli Center for Councilman Ferlo.

Mr. Hertzberg:

I have been -- Mary Esther has been doing a very good job on giving me weekly updates on the process of the West End Senior Center. I just hope, Councilwoman McDonald, you will keep the pressure on as well. We just need to keep reminding Parks and the Mayor's Office to keep forging ahead to make this happen.

Ms. McDonald:

Yes I will. It's only fair to the West End residents. Why should they be treated any differently?

The Chair:

I guess it is only fair too that we are half way through the summer and the pool program seems to be going very well. The amount of lifeguards and outside of one or two incidents where the power from the storms knocked a couple of the pools out for a couple of days, other than that, it seems to be going much better than in the past. We want to thank them. We are quick to criticize but it is working very well this year.

Ms. McDonald:

Thank you.

The Chair:

Thank you, Ms. McDonald.
Moving to reports of committee.

REPORTS OF COMMITTEES

MR. UDIN PRESENTED:

Bill No. 687:

Report of the Committee on Finance and Budget for July 22, 1998, transmitting two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 636:

Resolution providing that the City of Pittsburgh enter into a professional services contract or contracts with Employee Benefit Data Services, Inc. Benefit Service Center for the purpose of administering the financial incentive/medical savings program associated with the July 1, 1998 POSplus

Healthcare Program. Cost not to exceed \$60,000.00.

Which was read.

Also,

Bill No. 652:

Resolution transferring the amount of \$300,000.00 from Materials - Salt to Premium Pay within the Department of Public Works. (PRESENTED BY MR. HERTZBERG).

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Bills are now ready for final action all in favor of the passage of the bills vote aye when names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Hertzberg	Ms. McDonald
Mr. Ricciardi	Mr. O'Connor
	(Pres't)

(Mr. Ferlo voted no on Bill 636)

Bills have received the legally required number of votes and are passed finally.

MR. HERTZBERG PRESENTED:

Bill No. 688:

Report of the Committee on Public Works, Water and Environmental Service for July 22, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 625:

Resolution granting unto Richard Faust, Original Oyster House, 20 Market Square, Pittsburgh, PA, an encroachment to construct, maintain and use at their own cost and expense, a Sidewalk Café extending 11 ft. in length and encroaching 6 feet onto a 13 foot sidewalk in the 1st Ward, 6th Council District, City of Pittsburgh.

Which was read.

Also,

Bill No. 626:

Resolution granting unto the Marion Development Company, Inc., 13 Pride St., Pittsburgh, PA, 15219, their successors, and assigns, an encroachment to construct, maintain and use at their own cost and expense, a three story office building, having building borders encroaching on the Forbes Avenue and Marion Street right-of-ways in the 1st Ward, 6th Council District, City of Pittsburgh.

Which was read.

Also,

Bill No. 627:

Resolution granting unto Rudolph Muto, La Gondola Restaurant, 4, Market Square, Pittsburgh, PA, an encroachment to construct, maintain and use at their own cost and expense, a Sidewalk Café extending 11 ft. in length and encroaching 6 feet onto a 13 foot sidewalk in the 1st Ward, 6th Council District, City of Pittsburgh.

Which was read.

Also,

Bill No. 628:

Resolution granting unto Carl Kohlman of 5851 Ellsworth Avenue, Pittsburgh, PA 15232, an encroachment to construct, maintain and use at their own cost and expense, a Sidewalk Café, in the 7th Ward, 8th Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 629:

Resolution vacating Old Orchard Circle and North Court as part of the Broadhead Manor Demolition Plan 28th Ward 2nd Council District, City of Pittsburgh.

Which was read.

Also,

Bill No. 630:

Resolution vacating 6th Avenue Air Rights for the Mellon Bank Project, 2nd Ward 6th Council District, City of Pittsburgh.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Ferlo:

I would like to ask if it is all right with Councilman Hertzberg and Councilman Cohen if we can recommit Bill 629 regarding an encroachment for a Street Cafe?

Mr. Hertzberg:

No objection.

MR. COHEN seconded the motion.

Mr. Ferlo:

I did ask for a legal opinion on it.

The Chair:

We asked for a legal opinion. I believe our Law Department could not furnish that in this amount of time.

Which motion prevailed.

Mr. Diven:

On Bill 629 regarding the work going to be done with Giant Eagle and Broadhead. First, I would like to say that I am going to support Giant Eagle's move

there and the TIFF that the Mayor's Office and the URA is working on for them. But I do think in light of our conversation last week about the upcoming TIFF's that they are proposing, we should really look hard at what the process is and whether or not we are going to give them away to anybody who requests a TIFF.

I think I would really like to see a policy defined on what the benefit is on giving the TIFF's out, especially in concerns with the Mellon Bank. We are giving companies that can afford to pay full price tax breaks up to \$750,000 a year at the same time talking about cutting services and laying people off.

I don't think it's right. I think it stands to the amount of corporate welfare. I would really like to see the Mayor's Office or somebody explain to us why we are going to give a TIFF out and have a good reason for doing that not just because they want to have another building downtown?

I am all in favor of growing the city, but I think we need to do it smart. I think colleagues would agree with me on this point that we shouldn't sacrifice the residents and the neighborhoods that we all represent to give a billion dollar multi national company a tax break when they can afford to pay full fare.

Mr. Hertzberg:

Thank you. Bill 629 is part of one resolution but I suppose it would be as good a time as any to discuss the proposal for the Broadhead Manor issue, the Giant Eagle, the OK Grocery Warehouses being proposed for that area.

Just on the issue of the TIFF, and I can't speak so much for PNC or Mellon Bank, I am not as familiar with those as I am with this Giant Eagle OK Grocery situation. But from what I know of what preceded the final proposal here is that Giant Eagle had quite a few options on where to locate this facility. They have been looking for sometime to consolidate it into one facility for this perishable storage and that actually the ultimate offer from Ohio is much better than what they're getting here in Pittsburgh.

So I think that tells you why the TIFF is there. It is basically competition that's required in this situation. In order for us to retain this company, and which I am told incidentally that the figures on the current operation on the number of jobs that will be retained of the 160 jobs, 104 of them are City of Pittsburgh residents. So 65 percent of the jobs being retained are City of Pittsburgh residents.

Also everyone should have received a copy of a letter from Larry Baldoff (phonetic) the Vice-President of Distribution for OK Grocery, it is on Giant Eagle letterhead indicating their commitment to providing higher opportunities for minority groups with particular efforts to be made to employ individuals within the neighborhood. That's the kind of track record that Giant Eagle already has in the Fairywood community. They have a very good track record. They have a very good relationship with that neighborhood.

I talk about the neighborhood, I have been approached this morning by Mr. Robeson who represents the Fairywood Homeowners Association asking that this package be held up until

Monday. I have given great consideration to it and the issues that are being raised in making that request aren't really new issues. I don't see that anything different is going to happen between now and Monday.

I am asking everyone to vote affirmatively on the whole package. The issues that he brought to me are the problem with truck traffic reduction in the neighborhood. Not only has that been discussed at length and every commitment has been made by the city and the URA, OK Grocery, Giant Eagle, UPS to try to do this, but there is also an amendment. I will introduce it when we get to Bill 568 that will specifically deal with that.

The other issues are the plans for the Fairywood neighborhood, the balance of the residential community. Eloise Hirsch committed publicly at the Public Hearing and she's committed numerous times to doing just that, to having a neighborhood strategic plan that will include and solicit the input from the residents as to what the plan should be to continue the residential community that is there.

Finally, the issue of a buffer between the site of the warehouse and the residential community, a visual and a sound buffer. The visual as far as I can tell from the site plan itself is already part of what we are approving. As far as sound is concerned there is an amendment to Bill 568 that will also cover that, Mr. President.

So I hope everyone can support this. There has been a terrible history and it's been brought up several times with respect to what happened to the Broadhead

Manor Community. I would agree that it is a terrible history. I would agree that what has happened is wrong. But at this point, we are passed that. It is history. It's time to move to the future and I think this presents a good plan for the future of the community..

Mr. Ferlo:

As I stated last week in the committee, obviously the Giant Eagle new facility is an important project, not only for the city, but hopefully for residential employment in the neighborhoods surrounding this potential development. I think we need to support it.

It's unfortunate that what otherwise would be characterized as a great economic development initiative by the administration with support from this Council, several years worth of community frustration not only within the public housing community in Broadhead, with the Murphy administration, and the Director of the Housing Authority, but also the surrounding neighborhood property owners and the residents themselves who for the most part at least from what I can characterize by the line of questioning at the Public Hearing did not fully apprise themselves. The administration did not fully apprise them, I think it was a two way street to some extent of what the development was all about, what the impact issues would be, what the level of participation and community would be.

I think that's unfortunate. Because if it wasn't for the Housing Authority debate about what the profile of public housing would be in that community, if it wasn't for the fact that some property

owners around this development felt disenfranchised from the participation and planning of the impacts of the distribution center, I think we would all be a lot more complimentary to the administration about how important this project is, the good work they demonstrated, in convincing Giant Eagle to make this investment here in the City of Pittsburgh.

I think we need to support the project including the TIFF given the large amount of land preparation work that has to go on in order to build this development plateau. In a similar vein the Mellon Bank facility, I think we need to send a positive message and indicate our support. That is why I am voting in favor of the resolution vacating the air rights. But in voting for this today, I reiterate my concern as well Councilman O'Connor's concern about what the value of those air rights are and when and if we discuss what the actual tax and increment financing, the TIFF will be for the Mellon project downtown here. I think it's appropriate that we recalculate what those numbers need to look like.

Unfortunately, Pandora's box is already been opened. We are not going to close it at this point. Every major corporation, every larger potential development, new building, new construction, land acquisition, anything that builds a building or creates new jobs or retains existing jobs is now going to be looking for a hand out from city government.

Now we tried to modify what our policy should be on the TIFF by adopting an ordinance trying to create some frame work in which TIFF's would be considered in terms of the size of the project and what the benefit is, whether or not financing

would otherwise be available. What the perimeter development will be. The vote today on the Mellon is the ancillary impact of the Fifth Avenue retail portion of the TIFF also, I think, that is very important as Councilman Cohen pointed out at the committee meeting.

So I think we need to move ahead with both projects. I think we need to revisit as Councilman Diven stated the whole TIFF legislation and what the principle and perimeters will be when and if we do provide. I think we are going to be a little more liberal maybe than the school board. The school board is a lot more under the gun. Setting aside my concerns about the school board spending and how they are handling their budget, they don't have a lot of options. They get state support and they have the property tax, they have the earned income tax. They're boxed in in terms of their revenues. I would think they they're going to start looking with a more critical eye on how much tax revenue they are going to be giving up in the future.

I think so far they have wanted to be partners with us as well as the county. That has changed actually. Initially the county wasn't necessarily a partner with us on the TIFF. But we really need to revisit the TIFF ordinance and give the Murphy administration better direction on when and how and what manner and what size tax laws we want to take in order to encourage development.

Mr. Diven:

I would just like to clarify my point on the Giant Eagle. My understanding of TIFF's what we need to be able to do is retain good union scale wages and do it in

areas where we might not be able to command that kind of development. I think the Giant Eagle project falls into that.

You are looking at 850 Teamster jobs or union scaled jobs that you can support a family off of. You are looking at a portion of the community that might not command that kind of development for any other use. I think that is a good thing for the city and that is the kind of direction we need to be moving with the TIFF. I think also in hearing the information brought before us in Public Hearings, that we were fighting a lot of bad blood between the residents and the Housing Authority. But Giant Eagle has demonstrated to those people in the community that they are a good neighbor.

The problem that I have with Mellon Bank is here we have a company that can afford to pay full share. They're coming to us and asking for \$750,000 tax breaks but at the same time they are the same people that closed the Brookline branch office and moved it to Caste Village.

I have issues with this company but I also have issues with the fact that we can't go around and ask the average taxpayers to shoulder the burden of making Mellon Bank or any other major corporation profitable. I think it's ludicrous that we can sit here and have an administration say that they're going to impose a new garbage fee but at the same time give out \$750,000 annual tax breaks to a company. It doesn't make any sense to me.

We wonder why there is so much animosity towards Plan B or any of the

other developments because people in the neighborhoods are starting to feel like well we are paying taxes. We are supporting this city. We are shopping in its neighborhoods. We take pride in our neighborhoods, but the first time something comes along that can benefit us, they take the money and divert it into a benefit in some major profitable corporation and ask us to foot the bill for it. I think it's insane.

I think if we don't clarify the TIFF program and how we are going to offer TIFF's to corporations and what benefits is the city going to get in return, we have no business representing people in the communities. I think that these people are irate, all the comments that I have gotten by being stopped in the street and having people tell me their opinion about what is going on in the city.

I think it is insane that we are sitting here and we are talking about giving tax breaks to people. At the same time we are turning around and asking the average resident and the people that can least afford to have an increase in taxes or an increase of a garbage fee or whatever else you want to call it, come back and ask them to foot the bill for all of this development.

I think that, yes, we have to move ahead, we have to look at doing development and we have to look at investing money in the city and making improvements and giving corporations a reason to stay here. But I don't think it should be done on the backs of the average taxpayers of the City of Pittsburgh.

Mr. Cohen:

We are talking two issues here. Obviously we need to separate them. One is the OK Grocery issue up in Broadhead Manor and the other is the Mellon Bank issue. On the OK Grocery issue, I want to take a moment to first of all thank Alan Hertzberg for his leadership on this issue. But also to thank Giant Eagle.

Giant Eagle has made yet another commitment to Pittsburgh and this in the form of a \$25 million facility, which will certainly employ a lot of people and put money back into our economy. It is really a tremendous commitment. I think they have gone the extra mile from what I have seen of this issue with respect to a number of issues. The Food Bank, the construction issues and I also see in front of me a letter where Giant Eagle makes a commitment regarding hiring opportunities for minority groups in the area where this facility will be.

I want to take a moment to commend Giant Eagle and thank them for staying here because this facility was going to go to Ohio. Giant Eagle was receptive to the URA coming to them and offering this location. I am glad that is happening.

On the Mellon Bank issue, remember we are voting on today is air rights, it is a vacation for air rights. It's not the actual TIFF. I think Councilman Diven's remarks are well taken and that we need to analyze every single TIFF meaning tax increment financing on a case by case basis and examine them on the merits.

I feel comfortable voting for this because although we will have a chance later to vote on the actual TIFF, maybe I

can give a little bit of historical perspective on this. That is, that land behind Mellon Bank has sat vacant for years and years and years. I can remember at least two. Maybe Councilman Ferlo or others with more seniority than I have can remember even more, two unveilings for that site. The famous city center unveiling, Mayor Masloff had another unveiling that I recall and those unveilings were quickly veiled. They never came through. That field has lain fallow for many many years. We need to have development on that site.

For Mellon Bank to step forward and do it, I think is a positive thing for the city. Then you ask yourself about the financing for it. From what I have seen of the financing so far, again, it's going to come back to Council for approval, is that that TIFF is divided essentially in half. Half of it will go to help the construction of this building as Councilman Diven points out.

The other half, however and that's to the tune of seven and a half million dollars is going to go to be a stimulus for the Fifth and Forbes project that we have all heard about. Which we have a company from Chicago that is willing to spend \$100 million to upgrade. That's not a strong enough term for it, to completely revamp Fifth and Forbes and downtown Pittsburgh. That is a critical project and that project will be difficult to move forward without this tax increment financing. Tax increment financing, I mean it is a creative tool for development. It will provide more taxes to the City of Pittsburgh from day one. It will provide hundreds of thousands of dollars and more taxes to the city and certainly after that TIFF is over, which is a twenty-year

period it will provide significantly more taxes to the city.

Whether we like it or not we are in competition with other cities. We are in competition for every development including development from financing institutions, which are based here in Pittsburgh.

Even though Mellon Bank is based here in Pittsburgh, as is PNC and other financial institutions, most of their work is done outside of Pittsburgh. They could put these buildings outside of Pittsburgh as we have seen many companies do. So I think all that needs to be taken into account. Let's as Councilman Diven says, let's absolutely scrutinize that TIFF when it comes back to Council, but at the moment I think we should be happy that this development is being done.

Mr. Onorato:

I will be brief. Most of the comments were already made. I apologize for being late, Colleagues. I had a meeting I had to run to.

First, I want to make a comment on the Giant Eagle development. I am in full support of it. As we move into the next century dealing with how to stay competitive, we are going to have to deal with these issues be it a TIFF or public financing in general.

Where I agree with Councilman Diven on all these issues, I think sooner or later we have to sit down and look at maybe the next six or seven TIFF's that are in the works and go to Harrisburg and look at the public funding coming from the state level.

I will just point to the example on the North Side where we lost the Kaufmann's warehouse to Ohio. The reason we lost it to Ohio is because Kaufmann's moved into a 100 percent financed facility by the state of Ohio. Everyone talks about Cleveland and the Rock and Roll Hall of Fame, \$50 million came from the state of Ohio to help build the Rock and Roll Hall of Fame. That didn't happen just because private development did it on their own. There was a partnership between public and private money.

I heard today on the radio that the state and the Governor are coming in with a \$10 million check for certain projects in Pittsburgh. I hope that \$10 million can be used maybe to minimize some of the TIFF's that we are discussing.

But for the Giant Eagle issue, we are here. We are at a point where we have to do the deal and until we get the state thinking the way we are, this is the vehicle we have. I look at the Giant Eagle development as very positive because it is a development where we have good paying jobs. This is going to go help preserve and create.

These are union jobs, these are the working class of people of this region that we could have easily lost. And regardless of what happened with Broadhead who knows what was planned years ago and why it became obsolete and was demolished.

One thing I know dealing with Northview Heights is that the federal government is very seriously looking at closing down many public housing communities. You may not like it or you

might like it, but the point is the federal government is dictating with the money what is happening in a lot of these communities. I think what happens now is what we are trying to do in Northview is trying to preserve what we have so that we can make a good case as to why it should stay open.

But we are in a situation now where Broadhead no longer exists. I can't think of a better reuse for that area of the city. Where it is located and what type of taxing corporation and taxable property we are putting on that particular location. Sure some of the TIFF will divert some of the taxes for the debt service on the borrowing of the money, but in the long run the TIFF will be paid off on this particular case.

We are taking an area that was tax exempt you could basically state and there was no taxes coming out of there to now a taxable corporation with a lot of jobs being located within the city limits. I think when you weigh all of those factors, you come down the side of approval because the benefits far outweigh the negatives in the total deal.

More importantly, if you look at Giant Eagle's corporation, and you look throughout the city, where are most of the food stores in some of the let's say middle class neighborhoods, some of the working class neighborhoods, some even the poor neighborhoods. Giant Eagle is the one that has been there and providing a service, a critical service that a lot of us have been fighting to maintain in our neighborhoods because of the food stores closing left and right throughout this region in areas where they just give up on.

So I am looking forward to anchoring a good corporation for a long time. I believe if this deal goes through, we won't have to have this conversation for a long time because they are here to stay. You just don't build these types of facilities and move every three years. So, I am glad to be here to vote for that and show my support.

As for the Mellon Bank project, I am going to be voting for this bill because it has nothing to do with the TIFF. This has to do with the air rights. The points that were brought up last week and the point that I am going to keep on stressing when the TIFF comes up for the Mellon project, is what we have to do is look at the value of the air rights. Not just for the sake of the value of the air rights, but whatever that number is if it is a million, two million that we use that value as our contribution to the project.

There is a number you can determine what the air rights are. If we are going to give those, and I support giving those because I want growth in the city, we should recognize and we should let the corporation know and let the public know that there is a public contribution here. It is not cash, it wasn't a TIFF, but it was in the use of this space, which has a value. That is a lot to offer to a corporation.

We are giving an area, which was unbuildable and saying go ahead, and build. I think that is the critical part of the evaluation of the air right to factor that into the total contribution of public input. But I think the Mellon, PNC, and there are four or five other TIFF's that are in the works that are planning, that should be bundled together and that is what we should be going to Harrisburg for,

lobbying for public support from Governor Ridge.

You put six of these TIFF's together, that is Pittsburgh's Shipyard. Philadelphia's Shipyard was built out by the state of Pennsylvania to bring in that, I think, the German Company. Big money was put into the Shipyards to preserve good paying jobs. We don't have a Shipyard here; we have a lot of projects where the TIFF's are involved. If we could take five or six TIFF's and bundle them together, and show what the economic impact would be if the state would put in X amount of money for all six or seven projects, it could be equivalent to the Shipyards in Philadelphia. That is what I look forward to working toward. It would also minimize our debate here and having to rely on TIFF's so often.

The Chair:

I believe bringing up the TIFF's there is a lot of discussion. This process is certainly going to continue. I think everyone is showing their concerns about the future of the TIFF's and how they are balanced. Again, we are voting for the air rights and the TIFF's. We are only voting to move it along, the process to continue. We are not final voting that.

On the Giant Eagle agreement, I believe there are still concerns from the neighbors. But I have trust and faith in Councilman Hertzberg and the management at Giant Eagle, their commitment to the neighborhoods to continue this process moving forward. I don't believe it is time, we should hold it up. I can't think of a better corporate neighbor than Giant Eagle for the whole

city.

I don't think there is one event that you don't see their name involved with and all the things that they have done for Pittsburgh and our region. When you look at this TIFF too, probably the most exciting thing about it is 62% of the employees live in the city. If that was for all the TIFF's, I think we would all be doing cartwheels and happy to give it to them.

Some of the TIFF's we give out, we have no clue of whether it will be five, ten or 20% of the people I see live in the City of Pittsburgh. Also, with this Giant Eagle TIFF, and this Giant Eagle Development. It is something that has been escaping Pittsburgh for 30 years is the warehouse and the trucking business to bring it back into the city. So, I want to commend the Mayor's Office and Giant Eagle for working this out. I think it is an industry that we have long lost and it will bring it back.

So, I believe when other corporations see what Giant Eagle has done, it certainly can open the doors and do business with other future jobs in our region.

With that said, if there is no further discussion, the bills are now ready for final action.

All in favor of the passage of the bills vote aye when names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Ferlo
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. O'Connor
	(Pres't)

(Mr. Hertzberg abstained on Bill No. 626, Mr. Diven no on Bill No. 630.)

Bills have received the legally required number of votes and are passed finally.

MR. ONORATO PRESENTED:

Bill No. 689:

Report of the Committee on Planning, Zoning and Land Use, for July 22, 1998, transmitting one ordinance and one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 565:

An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 2 and 3 by changing from "R3" Multiple-Family Residence and "C1" Neighborhood Retail District to "M2" Light Industrial District certain property fronting on the northerly side of Broadhead Fording Road between Fairywood Street and Wind Gap Avenue being Lot No. 4 in the Broadhead Manor Plan of Lots No. 2, 28th Ward, Council District No. 2. (HEARING HELD JULY 21, 1998).

Which was read.

Also,

Bill No. 566:

Resolution approving a Conditional Use under Section 993.01(a)A(12) of the Pittsburgh Code, Title Nine, Zoning, article V, Chapter 993 as amended, the Urban Redevelopment of Pittsburgh for authorization to conduct a major grading operation on property identified as Lot No. 4 in the Broadhead Manor Plan of Lots No. 2 located along the northerly side of Broadhead Fording Road between Fairywood Street and Wind Gap Avenue zoned "M2" Limited Industrial District, 28th Ward, Council District No.2. (HEARING HELD JULY 21, 1998).

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Ferlo:

I want to defer to Councilman Hertzberg's District and I think he has an amendment. But under the conditional use, I think it's going to be addressed by Councilman Hertzberg, that would have been an appropriate resolution to amend to resolve some of the neighbors concerns about the truck traffic both during construction and afterwards. I think Councilman Hertzberg is going to raise this.

Mr. Hertzberg:

We can actually cover a broader spectrum under the cooperation agreement, which is in the next committee.

The Chair:

Bills are now ready for final action. All in favor of the passage of the bills votes aye when names are called, all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Diven	Mr. Ferlo
Mr. Hertzberg	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
	Mr. O'Connor
	(Pres't)

AYES **Seven** **NOES** **None**

Bills have received the legally required number of votes and are passed finally.

MR. RICCIARDI PRESENTED:

Bill No. 690:

Report of the Committee on Housing, Economic Development and Promotion for July 22, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 568:

Resolution authorizing a Cooperation Agreement or Agreements with the urban Redevelopment Authority of Pittsburgh implementing the Redevelopment Proposal dated June 1998 for redevelopment activities in portions of Redevelopment Area No. 24, Broadhead

Fording (Council District No. 9). (PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG) (HEARING HELD JULY 21, 1998).

Which was read.

Also,

Bill No. 569:

Resolution approving the Redevelopment Proposal dated June 1998 including Modification No. 9 to the Chartiers Valley Redevelopment Area Plan, for redevelopment activities in portions of Redevelopment Area No. 24, Broadhead Fording, in the 28th Ward of the City of Pittsburgh. (Council District No. 9). (PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG). (HEARING HELD JULY 21, 1998).

Which was read.

Also,

Bill No. 633:

Resolution authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh providing for the transfer to URA of \$900,000.00 for North Shore Riverfront Development (Council District 6) (PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG)

Which was read.

Also,

Bill No. 634:

Resolution approving execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Mellon Bank,

N.A. for the sale of Parcel A-2 in the Second Ward of the City of Pittsburgh, Block 2F Lot 230--Sixth Avenue at Fifth Avenue--Council District No. 6 (commercial construction). (PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG)

Which was read.

Also,

Bill No. 635:

Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to pursue a Tax Incremental Financing Proposal or Proposals for portions of the Inner Triangle Redevelopment Area (Council District No. 6). (PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG)

Which was read.

Also,

Bill No. 658:

Resolution amending Resolution No. 298, effective June 12, 1998 entitled "Resolution providing for an Agreement or Agreements with various community organizations for operational/administrative expenses, maintenance, purchase of equipment and/or rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed \$1,134,945.00" so as to change the name of one project - "Southside Baseball Association" to "Southside Ballfield Improvements". (SPONSORED BY MR. RICCIARDI).

Which was read.

Also,

Bill No. 659:

Resolution No. 362, effective June 25, 1998, entitled "Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1998 CDBG Program; providing for the execution of grant contracts and for the filing of other data providing for required assurances; providing for execution of payment vouchers on letter of credit and for certification of authorized signature; the deposit of the funds in a bank account and providing for the payment of expenses within categories", so as to change the name of a project in City Council. (SPONSORED BY MR. RICCIARDI).

Which was read.

Also,

Bill No. 660:

Resolution approving execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Giant Eagle, Inc. or an affiliated entity for the sale of Parcel 21 in the 28th Ward of the City of Pittsburgh, in Redevelopment Area No. 24 Block 70A Part of Lot 250 -- Broadhead Fording Road--Council District No. 2 (construction of distribution facility). (PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG).

Which was read.

Also,

Bill No. 661:

Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to pursue a Tax Incremental Financing Proposal or Proposals for portions of the Broadhead Fording Redevelopment Area No. 24. (Council District 2). (PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG).

Which was read.

Also,

Bill No. 662:

Resolution providing for an Agreement with Byrd R. Brown Law Offices for legal Representation as the Solicitor of the Pittsburgh Commission on Human Relations, cost not to exceed \$20,000.00.

Which was read.

Also,

Bill No. 663:

Resolution providing for the execution of a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh for the performance of certain work in connection with the 1998-1999 Community Development Block Grant Program, cost not to exceed \$9,428,000.00. (PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG).

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Hertzberg:

Thank you. Bill No. 568 first I would like to have my comments brought forward from last Wednesday's meeting on this whole topic of Broadhead Manor, Fairywood, OK Grocery.

I would like to make a motion to amend Bill No. 568. I have passed out the written amendment, which includes a requirement that the completed warehouse that only emergency vehicles will be able to travel on Broadhead Fording Road. So that is addressing the truck traffic situation at least with regard to that facility. Also, during the construction that the trucks minimize travel on Broadhead Fording Road and utilize Industrial Boulevard, which is a four lane road.

Also section three another part also, that the noise and air quality impact on the residents shall be minimized and in no event above levels permitted by applicable law.

(See Addendum for comments)

MR. FERLO seconded the motion.

Which motion prevailed.

The Chair:

Does that complete your --

Mr. Hertzberg:

Yes.

The Chair:

Any other discussions?

Mr. Udin:

On the same bill, I also would like to have my comments brought forward and again express a concern that there was apparently not as much community involvement in the early planning. Especially the Broadhead residents who were not necessarily in the Public Housing Community, but some of the adjacent communities around that facility.

I think we could use it as a lesson going forward that when we plan these projects we have to reach out and anticipate who is going to be impacted by it and make sure that they feel a part of the planning of these developments. Same is true was pleased to see the correspondence from Giant Eagle assuring that I employment will be provided.

I would propose that the City of Pittsburgh Personnel Department contact the Giant Eagle supermarket and the OK Supermarket Company to help facilitate the process of locating and identifying people that can be available. Not only for the pre-construction and construction phases, but for the operation warehouse phases after the construction is done. That a report be brought back to the community and to Council say six months after the whole project is complete to let us know what in fact has happened.

(See Addendum for comments)

The Chair:

Any other discussion?

Bills are now ready for final action, all in favor of the passage of the bills vote aye when names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

(Mr. Diven voted no on Bills 634 and 635)

Bills have received the legally required number of votes and are passed finally.

MR. COHEN PRESENTED:

Bill No. 691:

Report of the Committee on Lands, Buildings and Procurement for July 22, 1998, transmitting one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 624:

Resolution authorizing a Cooperation Agreement or Agreements which provides for the transfer of funds

not to exceed Seventy-Five Thousand (\$75,000.00) Dollars to the City of Pittsburgh Equipment Leasing Authority for the purchase of vehicles, radios and equipment for use by City of Pittsburgh Departments and Authorities.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills? Bills are now ready for final action all in favor of the passage of the bills vote aye when names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Diven	Mr. Ferlo
Mr. Hertzberg	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. O'Connor
	(Pres't)

AYES Eight **NOES** None

Bills have received the legally required number of votes and are passed finally.

MS. MCDONALD PRESENTED:

Bill No. 692:

Report of the Committee on Parks, Recreation and Youth Policy for July 22, 1998, transmitting two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 567:

Resolution establishing a Committee to recommend improvements to old facilities and construction of new soccer facilities throughout the City. (HEARING HELD JULY 16, 1998). (SPONSORED BY MR. ONORATO).

Which was read.

Also,

Bill No. 631:

Resolution amending Resolution No. 719, approved 9-29-95, effective 10-02-95 entitled " Resolution providing for an Agreement or Agreements with the United Way of Allegheny County in an amount not to exceed \$100,000.00 for the continued development and operation of the Adopt-A-Park Volunteer Program for the benefit of the residents of the City of Pittsburgh", by reducing the amount of the resolution by \$35,000.00 and converting the old index code numbers to reflect the current PeopleSoft chartfield.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Onorato:

I want to thank everyone for attending the Public Hearing on the soccer

field committee bill. There was lot of good input, suggestions. Assuming this passes today, I look forward to facilitating the committee getting together. I hope that all of you here either sit on it or assign someone to sit on it. We have had a lot of call-ins with locations already that are actually outside of the regional parks of suggestions that we can go out and look at.

I don't think there is any problem what so ever of talking in terms of ten to 20 new fields in this city without interfering with other fields that are in place. The land is out there. The ability is out there and it appears that there is the ability to raise money, private money to match any public money that we might put into this particular bill.

I am looking forward to the committee meeting. This should come back with a recommendation just in time for the budget debate. So it will be an appropriate time then to discuss any money if we are going to put it into development fields and locations.

But I want to point out that this Council has the ultimate decision on everything. It has the ultimate decision on location, ultimate decision on funding if any and deciding if we want to do this at all. But at least we will focus in on looking at a growing sport, an activity that keeps a lot of our kids' active all year long. This is no longer a one season sport.

People are playing it all over and it is not unique to any one area of the city. I believe if the committee represents the city, geographically that we can have a plan in place that will benefit all corners of the city and all neighborhoods in this city. I look forward to working closely with the

committee. Thank you for your support.

Mr. Ferlo:

I wasn't able to be at the Public Hearing, my apologies. I am going to vote for this and I am going to be very critical and look at the over all usage of our fields. Not only our existing fields, but potentially other fields.

I do have a reservation that it is focusing in just on soccer as opposed to other field uses that we have and need, but I think it's a step in the right direction. I just hope that whatever this group does doesn't confuse or in anyway undermine other planning processes that are already underway including in my own Council District for planning process regarding the Hess Run Ravine area and also just the master planning process for Highland Park.

I hope that the administration if they are going to be sincere and embrace the committee that the councilman is proposing and actually supports it. Now the administration asked us to be involved in a regional parks master plan in Highland Park, didn't tell us about the police academy building, didn't tell us at least to my knowledge about the bike run on Washington Boulevard. Maybe that's the highest and best use and appropriate location for it, that is all well and good. But it would be nice if everyone could just be up front, get the issues out on the table and let the community be engaged in the process.

Don't ask people to come out and plan and then already have made a decision about field use or some other agenda. Just be up front, tell people what

is or what isn't and let people truly participate in the planning process.

I would hope though that part of this committee would not just myopically be looking at the issue of soccer. You know I have had a lot of parochial battles where one team is competing with another team in terms of use of fields. It gets to be a real headache, believe me. But to the extent that the work is going on and the planning process looking at soccer, but it maybe a more appropriate field for other kinds of sport activity, that is something that I would ask that we look at.

I will use an example, we spent a lot of time and money making an investment into Sullivan Field in the Bloomfield Lawrenceville community along Liberty Avenue, which is now pretty much home. Hopefully we have made a big investment to the Lawrenceville Youth Football. Prior to that, they had been playing at Arsenal Field in which the Arsenal School Field. Now, there will be school needs for that field in the future, but that might be really an ideal location for the home of a soccer club as an example.

So, I look forward to looking at the soccer issue. But I am looking at it from the point of view of other field uses that also are being requested out there.

I didn't like some of the whining that went on at the Public Hearing. I watched the tape. I almost got the impression that some of the people don't even live in the city but benefit from our fields which is another issue that I would ask this planning committee to look at.

We have a lot of people that

monopolize the field time that are from outside the city that actually take it away from our own parochial neighborhood use of fields as well as city resident use for fields. They are the first ones to complain about the field. I mean none of us are going out to their communities and playing in their fields. We have an open door policy in this city and I am not suggesting we change it.

But for some of these groups to whine all the time when they have to appreciate the amount of money and the time that it takes to try to maintain these fields. The fact of the matter is if it wasn't for volunteers and parents at the Little League level, at the football level, at the soccer level we wouldn't even have some of the stuff we do have.

So just recognize the city's got an open door policy. A lot of people use our fields. It is very difficult to get a master plan together for rejuvenating our fields because they are continually pounded, as soon as one season ends another season begins. It is hard for Mr. Gable to even grow grass on a lot of our fields.

So I would ask that this Committee look at some of these maintenance issues in terms of how we sustain and maintain the different fields around the city. As well as other land areas that can be considered.

The Chair:

Speaking of the committee if I might interrupt, Mr. Onorato, you want to kind of refresh our memories of how the appointments will be and how many? I don't even know if someone would be in it, county official. There are a lot of people. You know we border Wilkinsburg and a

lot of other neighborhoods that we should be working with closely.

Mr. Onorato:

I kept it pretty flexible to achieve that goal or for any unanticipated individual. The only limits that it shall not exceed 20 members. It shall include but not be limited to these types of individuals, each member of Council or their appointed representative, parents, community leaders, representatives of the Pittsburgh Parks Conservancy, Representatives of Pittsburgh Soccer Leagues such as Dynamo and Old Allegheny, they are just examples. Users of the four regional parks, which could be the accounting individuals, the Director of Parks and Recreation or an appointee, and the Director of Public Works or appointee.

The Chair:

So each of us has an appointment. So Joe Natoli for example who covers all sports especially the Mayor of your neighborhood would certainly be the type of person you are looking for.

Mr. Ferlo:

I am looking forward to attending other meetings --

Mr. Diven:

First of all, I would like to complement Mr. Onorato on his work to bring this legislation in front of Council. I am looking forward to working with him on that committee. I think that this is one of the most positive things that we do as a Council. Not only will this benefit soccer, but I believe by creating new fields, it will

relieve the pressure and the stress that having three or four different sports throughout the year wearing and tearing up those fields by having new fields especially for soccer. We can alleviate some of the usage on the other fields.

I think this is a great opportunity for the City of Pittsburgh and for us as Council members to really make a lasting impact and provide something that is going to benefit a number of generations from here on out. So I am excited about it.

Mr. Cohen:

Thank you, Mr. President. I also commend Councilman Onorato for this bill. It takes a comprehensive look at a serious need. This is one of those instances where the government is catching up with reality rather than the other way around.

We have on a kind of field by field basis looked at this, especially Councilman O'Connor, you and I with respect to Dynamo Soccer in the East End. You have been very active in that. But we need to have a comprehensive view of it and establish more fields, that's a critical component.

There are at least again for Dynamo Soccer in the East End there are over 1,000 kids in Dynamo Soccer. So the number of fields just is not enough. So, I support this whole-heartedly. I look forward to participating in it as well.

The Chair:

I again want to commend Councilman Onorato. I think it is a great initiative. I think the time is probably

perfect. Maybe a couple of years ago it wasn't the urgency it is now. I believe, Councilman Ferlo, you brought up a very good point who is using our fields now? Are they suburban, I don't want to pick on lawyers. But there are some lawyer softball teams that maybe someone in the city has a permit. I know at one time one or two people had five or six permits in their name where the people were coming from.

We certainly have an open door policy, but where are the priorities? Our soccer, little leagues, football practice, cheerleaders certainly have to have the priority over anyone, probably any adults or certainly people outside of the city.

I think if we would use our million dollar PeopleSoft this could open the door to start looking at who is using them? Where they're being used? When we looked into some soccer fields in the housing community, there were a lot of fields underused, not used. Maybe we can make sure we spread the use of these fields all over the Pittsburgh neighborhoods so they all benefit and only one or two neighborhoods aren't over done and overused.

I know in Schenley Park we can't even re-seed the thing. We have volunteers that do it on their own. So there is quite an urgent need for this comprehensive look. I want to commend you on that.

Bills are now ready for final action. All in favor of the passage of the bills, vote aye when your names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. O'Connor

(Pres't)

AYES Eight NOES None

Bills have received the legally required number of votes and are passed finally.

The Chair:

Under motions and resolutions.

MOTIONS AND RESOLUTIONS

If no discussion I would like to, I apologize for the quickness. I believe I talked to some Council members. I will be taking a delegation with the Mayor's Office to Vansant, Virginia, to visit a Coke plant.

Sun Oil operates this Coke plant. We tried to save the old LTV plant. That is closed. They are proposing a new plant, which is supposedly very environmental friendly, the state of the art. There are three cities bidding for this.

We have a lot of questions especially in the Hazelwood neighborhood. What is this plant all about? Is it good or bad? We have a lot of questions. I thought the best way to address it is to take a delegation down there and see first-hand what this new plant looks like. There are two, one in

Virginia and one outside of Chicago. We have chosen the one in Virginia because it is actually two hours closer, and it is not mixed in with an old steel town so that we can actually see the plant and see what effect it will have not only on Hazelwood but the greater Pittsburgh community.

We are certainly inviting all Council members. We have the Health Department; we have environmental groups going, we have the Steelworkers going and city, state and county officials and federal officials going with us. So you're more than invited. I know two or three are going to make the trip.

So, we want to see first hand what this new recovery plan is all about and how it would affect our neighborhoods. It means a lot if it is done correctly. But we have a big investment in the region and we want to make sure we are doing the right thing so everyone gets a first hand look at it.

Mr. Ferlo:

I believe if I understand correctly, one of the benefits of this plant is the co-generation of production of electricity. Which could either be used by the city as a municipal purchaser of electricity or sold and have to be bought by Duquesne Light or local utility companies. I think that is something we need to look at and I am hoping part of the trip will discuss some of the numbers if that is the same case down there, I am not sure. But certainly that is an issue that I would like to understand better.

I think it's something certainly the environmental community should take a broad look at in terms of the fact that there

are going to be times when there is going to be industrial activity. It doesn't have to be a contradiction or dichotomy between having manufacturing and industrial activity versus clean air.

I would like my cake and eat it too. I would like to have industrial activity, manufacturing and production of Coke. But I would like to do it in the most advanced technological way and in such a way that we have cleaner air, have the possibility of co-generation of electricity and do it in the appropriate way for the next millenium. So, I would hope that some of those folks, if they are naysayers, would keep an open mind on this whole issue.

The Chair:

I think we had a two-hour meeting in Hazelwood with 40 people, there are the naysayers, the people that are either for it or against it. I believe that most of the people -- we took a vote of 37 to three to take the trip to see if this plant is half as good as they say it is. There is certainly a lot of opportunity.

The Allegheny County Health Department will be sending four representatives with us. The gas people will be there. They have a meeting held in Squirrel Hill next week, but after we come back we plan on having a large community meeting to discuss all the issues and to hear from both sides.

I know the Mayor is meeting with some of the gas representatives I believe on Monday so we are all trying to work together. If this comes to fruition, which I believe it has a good opportunity; we want to make sure it really is environmentally

friendly. All the indications have been that it is very very environmentally friendly.

Mr. Diven:

I would like to make a recommendation that you might want to contact somebody from ALCOSAN about attending the trip. I know they do a lot of dealings with treatment of their wastewater. They've been real proactive in working with industrial companies to make sure that with all the EPA regulations and the fines that they are proactive in making sure they stay in compliance instead of coming in afterwards and fining them.

It might be good to have someone from ALCOSAN's environmental department along to tour the facility as well.

The Chair:

Very good point. Any other recommendations you have anyone, I know I am asking Mr. Ricciardi to send a representative from the South Side, it is just acrossed the river. So that we have a broad perspective of what the community represented.

With that I would like to announce the next week's Legislative Meeting will be the final meeting before the recess, will be Monday instead of Tuesday, August 3, at ten o'clock.

I would like approval of the minutes.

MR. COHEN moved to approve the minutes.

MR. DIVEN seconded the motion.

Which motion prevailed.

MR. ONORATO moved to adjourn the meeting.

MR. FERLO seconded the motion.

And on the motion made by Mr. Onorato, the meeting adjourned.

ADDENDUM

Mr. Hertzberg and Mr. Udin's comments on Bill No. 568 can be found in the Standing Committee Meeting Minutes of July 22, 1998.

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED THIRTIETH COUNCIL

BOB O'CONNOR President
LINDA M. JOHNSON-WASLER.... City Clerk
JOHN R. MASCIO Deputy City Clerk

Pittsburgh, PA
Monday, August 3, 1998

PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Diven	Mr. Ricciardi
Mr. Ferlo	Mr. Udin
Mr. Hertzberg	Mr. O'Connor
Ms. McDonald	(Pres't)

The Chair:

Please stand for the pledge of allegiance and remain standing for a moment of silent prayer for peace and hope throughout the world.

This morning we are very honored to have a special guest, Kate Onorato. She is seven years old in the second grade at St. Cyril's School and she's the daughter of Councilman Onorato. Kate, will you start us off?

Kate Onorato:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all.

The Chair:

Here is a present from us.

PRESENTATIONS

I have some guests from Council Care. We have Fay Bloom and John Such and his daughter Joan Lockhart here.

Council Care has an exciting new opening, actually tomorrow, at 4:00. I will let you tell them and then invite all of Council members to be there. I have been in the old facility it wasn't that old but you did a great job. My uncle was there for a couple of years. I want to thank you for all the hard work you do. Thank you.

MR. O'CONNOR AND ALL COUNCIL MEMBERS PRESENT:

No. 693 WHEREAS, the Jewish Association on Aging is an organization serving the older population of the Greater Pittsburgh Community; and

WHEREAS, the mission of the Jewish Association on Aging is to assure and coordinate a comprehensive network of quality services and facilities emphasizing Jewish values and

maximizing the independence of the population they serve; and

WHEREAS, Council Care, a subsidiary of the Jewish Association on Aging, was established in 1983 as a project of the National Council of Jewish Women, Pittsburgh section, and the first Council Care site was opened in a newly designed wing of the Riverview Center for Jewish Seniors (RCJS) and Council Care II opened in 1986 as one of the first dementia-specific adult day centers in Pennsylvania; and

WHEREAS, in 1996 these centers merged within a more spacious and flexible program area and became known as Council Care/RCJS; and

WHEREAS, Council Care/ RCJS was renamed Council Care/Irving Spolan Center and moved into completely renovated, state of the art facilities in 1998 and is having the opening of the new Council Care/Irving Spolan Center on August 4, 1998.

NOW THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh does hereby commend the Jewish Association on Aging and the Council Care/Irving Spolan Center for their commitment to providing the elderly with the highest standards of care;

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh does hereby declare Tuesday, August 4, 1998 "Council Care/Irving Spolan Center Day" in the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Ms. Bloom:

On behalf of Council Care and the Irving Spolan Center and the Jewish Association on Aging, I want to thank you for the lovely proclamation. Before I leave, I would like to invite all members of City Council to attend our grand opening tomorrow afternoon and what is now known as Wineberg Village, formerly known as Riverview Center for Jewish Seniors.

Pittsburgh should be very proud to have one of the most beautiful and state of the art day care centers in the United States. Please come see us and learn what we are about.

I hope when you are talking to new businesses and industry about Pittsburgh you will remember Council Care along with Steelers, Pirates, and Penguins. For young workers who have seniors that they need to take care of and we -- day cares take very good care. We are proud of what we do, the care we give.

We think that you should stop by and visit with us. Bring your visitors that are considering Pittsburgh as a place to settle to Council Care so we can show them exactly what we do.

Thank you very much.

Ms. Lockhart:

Good morning. I just want to say thank you to Fay and Richard and the people at Council Care for giving my dad the opportunity to re-socialize after his

stroke and to meet people and to enjoy every day. On behalf of my sister Emily and myself thank you.

The Chair:

If you have never been there to see the facility, I know my uncle went every day. They are picked up, there is a lot of great activities for our seniors and especially it really helps besides because the people at home have some freedom to go out and do their normal chores and go to work. It really is putting people together. I know we have more than that just there but they serve the whole community.

Ms. Bloom:

No guilt for people in nursing homes.

The Chair:

Thank you for coming down.

Mr. Ferlo:

I would like Joanne Jennings to come up from the Save a Life Program and our own EMS folks, including Chief Garretson.

I would like to ask that this be on behalf of all of our colleagues as officially sponsored.

MR. FERLO AND ALL COUNCIL MEMBERS PRESENT:

No. 694 WHEREAS, up to 350,000 Americans die each year from Sudden Cardiac Arrest; and

WHEREAS, two out of every three deaths due to Sudden Cardiac Arrest occur before victims reach the hospital; and

WHEREAS, after cardiac arrest CPR (cardiopulmonary resuscitation) can prevent permanent brain death due to a lack of oxygen; and

WHEREAS, cardiac arrest victims who receive immediate CPR followed by advanced life support have a greater chance to be resuscitated; and

WHEREAS, UPMC Health System is presenting the American Red Cross' Save-A-Life Saturday on August 22nd from 8:00 a.m. to 4:00 p.m. at The Boardwalk in the Strip District; and

WHEREAS, Save-A-Life Saturday is an event providing free potentially life-saving CPR training to anyone willing to learn; now

BE IT RESOLVED, by the Council of the City of Pittsburgh, that we do hereby proclaim Saturday, August 22nd, 1998 to be "Save-A-Life Saturday" in the City of Pittsburgh; and

BE IT FURTHER RESOLVED, that the Council wishes to encourage all residents of the City of Pittsburgh to take advantage of this wonderful opportunity to learn life saving CPR at absolutely no cost to themselves; and

BE IT FURTHER RESOLVED, that the Council thanks UPMC Health System, the American Red Cross, and all other sponsors of Save-A-Life Saturday for presenting this noteworthy event to the residents of the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

MS. MCDONALD seconded the motion.

Which motion prevailed.

Mr. Ferlo:

We have our guests here this morning and we are going to do a brief CPR presentation. Because part of the whole purpose of Saturday is education and getting residents involved in understanding how important CPR is. More importantly, how easy it is to learn and how beneficial it can be. God forbid something happen to a family member, even with the first responder fire truck or even the EMS Bureau when it shows up, you're still talking about several minutes in that period of time.

In that several minutes could be the life and death of an individual especially in terms of loss of oxygen in their brain and basic central nervous system functioning. So CPR can be critical. It can be critical when you are at the work place and at a workstation, and something happens. It can be critical when you are walking down the street or in the shopping center or in the mall or in downtown Pittsburgh. It can be critical in your own house, in the middle of a family event. God knows how many times CPR has been utilized and has actually saved a life or has actually given a person a better quality of life as a result of CPR being administered.

So we have Joanne Jennings here. I wanted her to say a few words and she can introduce our guests and we will do this demonstration here.

Ms. Jennings:

Thank you so much Councilman Ferlo for the wonderful proclamation and also for your emphasis on the importance of CPR. Actually you really can't underestimate that. What we have tried to do with Save a Life Saturday, which is being presented by the American Heart Association is to try to make CPR easier and accessible to more and more people. We want to train hundreds of people in CPR in one day so that we can actually improve the survival rate from sudden cardiac arrest in Pittsburgh. In fact, it is a way of making Pittsburgh a healthier safer place to live.

For people who need information on Save a Life Saturday they can call the Save a Life Saturday hotline 412-578-3172.

I also wanted to thank the City of Pittsburgh EMS. We have the finest EMS system in the city and one of the reasons though; one of the things that can even make them better though is if the chain of survival was strengthened. The first link in the chain of survival is calling 911, and the second one is starting CPR on anyone that collapses and has no pulse and is not breathing.

I would like to introduce Chief Garretson so he can begin the CPR demonstration with our friends from Pittsburgh EMS.

Chief Garretson:

Thank you, Joanne. I first on behalf of Chief Robert Kennedy and all the paramedics of the City of Pittsburgh Emergency Medical Services, I would like to take this opportunity to thank

Councilman Ferlo, President O'Connor and all the members of Council for supporting through this proclamation the CPR Save a Life Saturday event.

If you had an opportunity to participate in the news conference that was held at the boardwalk a few weeks ago, you will know first hand that there is probably nothing more remarkable and moving than having the opportunity to see, talk to, and shake the hands of someone who has died, whose heart has stopped and whose breathing has stopped and who has literally been brought back to life through the efforts of a total EMS system. That first and foremost begins with the public in the chain of survival.

Pittsburgh EMS has long been a supporter of CPR Saturday. The last several years both from a management and an administrative standpoint from having some of our best paramedics Chief Supervisor John Moon, Patient Care Coordinator Roy Cox, involved in the actual instruction on those particular days. Also, from the Fraternal Association of Professional Paramedics who each year will provide a booth at this event to provide some life saving information, to do some blood pressure checks and also talk about the Pittsburgh EMS system. So we would also like to thank them as well.

With me today from our training division, Crew Chief Jeff Rhyme, and Paul Sable. Jeff, if I could ask you just to kneel down at the mannequin for a moment. If you have an opportunity to come to one of our programs, you will have an opportunity to see that the critical parts of CPR are first opening a person's airway and seeing if they are responsive checking to see if they are breathing. We will teach

the skills of mouth to mouth resuscitation. Blowing into a person's mouth to provide some oxygenation for them, checking for a pulse to see if their heart is beating. Then if it is not, being able to teach people how to actually compress the chest and circulate blood and alternately do that and then breathing into the mouth to provide this person a chance for life until the first responders and eventually the city paramedics will arrive upon a scene.

I thank you very much today for your support and we hope to see as many of you as possible at the Save A Life Saturday Event, on Saturday, August 22nd. Thank you.

Mr. Ferlo:

I am going to put them a little bit on the spot. There are two questions I want to ask because I think they are two barriers that often time's people raise at least their perception of either why they will or won't do CPR.

One is given the HIV presence in saliva, I mean perception wise, I am wondering how do you respond educationally to the issue of people's perception of not wanting to do mouth to mouth based on possible exchange of saliva?

Secondly, people have a perception that if they get involved in a scene and they either attribute or not contribute to a person's survival or revival that somehow they are legally liable. I was wondering, those are the two issues I think often times that the public have perceptions about. I was wondering if you could address either one or both?

Chief Garretson:

With regard to the first question and the possibility of transmitting some type of communicable disease through the prevention of CPR, statistically we find out that your chances of transmitting or receiving something through this process are almost minimal.

I think the second thing though that we really want to point out is that often times the person that you're going to have an opportunity to perform CPR on is usually in a household or a family setting. It is a loved one, a relative, a friend, someone that you are very very close to.

The last thing that we do is that we also provide the opportunity at CPR Save A Life Saturday and in all of our training programs to teach about mouth to barrier protection. Where you can have some type of small device that you can carry in your pocket. Actually I have one here wrapped up in a key chain that allows me to insert something small in through the lips and the teeth of a person's mouth. It provides a barrier acrossed the face and stops me from having intimate personal contact with someone in the provision of mouth to mouth resuscitation.

So those mouth to barrier techniques are available, that equipment is available for sale either at CPR Save A Life Saturday or some other event. We will instruct people on how to use those and the precautions to take.

With regard to the second question, Councilman Ferlo, regarding the civil liability or suit of some kind from participating in this, it really is just something that doesn't happen. Obviously the best offense is to be able to be trained

in the first place to show that you have attended a course like this. But statistically they find that if you do anything in those situations providing mouth to mouth resuscitation, and cardiopulmonary resuscitation, any type of those skills given in a time of emergency when a person's heart is stopped and they are not breathing, have been successful when helping all patients in some form.

So really the risk of suit is minimal if not non-existent. Good Samaritan laws in the state of Pennsylvania are also very helpful in protecting people in trying to help another one. If you are ever going to error, always error on the side of providing care and not giving care. Again, always error on the side of helping and the laws and protection will be helping. Thank you.

Ms. Jenning:

I just wanted to thank the Council once again and I also want to remind everybody listening, the classes are down in the strip on the boardwalk on August 22nd, they begin at 8:00. Classes are two hours long in length and they start every half-hour. We hope we can hear from you. If you need to make a phone call it is 578-3172 and you can learn more about the program. Thank you.

The Chair:

Thank you. We have one to be read into the record.

MR. ONORATO PRESENTS:

No. 695 WHEREAS, Lucille Wilson was born May, 26, 1921 and has been a lifelong resident of the North Side of Pittsburgh; and

WHEREAS, Lucille raised nine children practically on her own. She stressed the importance of education and encouraged her children to stay in school. Lucille has been known as a straight shooter, as her son Jim put it "she said what she meant and meant what she said"; and

WHEREAS, she worked as a presser for Ruby's Cleaners, has been a lifelong member of the Victory Baptist Church and a faithful member of the Missionary of the Church; and

WHEREAS, in order to show their appreciation, pride, and thanks for her love and dedication throughout the years, Lucille's family is hosting a picnic in her honor on August 8, 1998.

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby declare, Saturday, August 8, 1998 as "Lucille Wilson Day" in the City of Pittsburgh.

MR. ONORATO moved to adopt the resolution.

MS. MCDONALD seconded the motion.

Which motion prevailed.

The Chair:

No presentation of papers today. We will move to any unfinished business to come in front of Council? Hearing none, move to reports of committee.

REPORTS OF COMMITTEES

MR. UDIN PRESENTED:

No. 696:

Report of the committee on Finance and Budget for July 29, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 605:

Resolution transferring the amount of \$120,000.00 from the Mayor's Office to the Print Shop Trust Fund in the Department of General Services to make payments related to the operation of the Print Shop. (PRESENTED BY MR. COHEN).

Which was read.

Also,

Bill No. 650:

Resolution transferring \$29,000.00 from the Department of Public Safety's City County Identification and Information Systems Trust Fund, Organization 23000, Fund 2407, Account 5255000, Sub-Organization 103000, Sub-Class 600 Budget Year 1997, Mayor's Office, City Information Systems, to satisfy matching fund requirement of the grant. (PRESENTED BY MR. DIVEN).

Which was read.

Also,

Bill No. 653:

Resolution authorizing the issuance of a warrant in favor of the Sheraton Hotel

Station Square in amount not to exceed \$4,706.00 for the Citiparks Senior Interest Program Volunteer Recognition Gala payable from Account 525500, Fund 1000, Organization 500000, Subclass 500, Budget Year 1998. (PRESENTED BY MS. MCDONALD).

Which was read.

Also,

Bill No. 664:

Resolution transferring the sum of \$29,053.00 from Utilities-Telephone Account 586500, Fund 1000, Organization 103000, Sub-Class 160, Budget Year 1998 to Photo Imaging Trust Fund, Project/Grant 2264050, Information Systems, to satisfy matching fund requirement of the grant.

Which was read.

Also,

Bill No. 665:

Resolution amending Resolution No. 35 of 1998 providing for a professional services agreement(s) with KPMG Peat Marwick, LLP for the performance audits; so as to include the performance of Disaster Cost Recovery Services and increase the amount from \$564,740.00 to \$594,740.00.

Which was read.

Also,

Bill No. 666:

Resolution amending Section 1 of Res. No. 1050, approved January 7, 1997

and effective December 31, 1995, entitled "Authority and directing the City Controller to create a special Trust Fund to be designated as the Photo Imaging Trust Fund into which funds there shall be deposited any and all grant monies received from the U.S. Department of Justice, or other federal/state government agencies and authorizing the use of monies deposited into said Trust Fund for any and all expenses for a sum not to exceed \$178,000.000, by increasing the amount from \$178,000.00. to 232,213.00

Which was read.

Also,

Bill No. 667:

Resolution authorizing the City Controller, at the written direction of both the Director of Finance and City Council, to transfer indirect costs and other reimbursements due the City from Trust Funds, Federal Programs, Capital Programs, and other entities where costs are incurred by the City, to the appropriate revenue or appropriation category.

Which was read.

Also,

Bill No. 668:

Resolution authorizing to increase the bonded indebtedness of the City of Pittsburgh by issuing General Obligation Bonds in the aggregate principal amount of \$200,000,000 consisting of Series A of 1998 Bonds to provide funds to advance refund all or a portion of the City's outstanding General Obligation Bonds, Series B of 1991, Series D of 1992, Series

A of 1994, Series A of 1995, Series of 1996 and consisting of the taxable Series B of 1998 to advance refund all or a portion of the taxable Series B of 1996 Bonds and to pay the costs of issuance of the Bonds.

Which was read.

Also,

Bill No. 669:

Resolution authorizing the Mayor & the Director of Finance, on behalf of the City of Pittsburgh, to exchange a part of City owned 7-N-241, 20th WD, for an equal amount of private property, part of 7-J-15, 20th WD. All parcels beings located in the Elliott Greenway & West End Overlook.

Which was read.

Also,

Bill No. 670:

Resolution authorizing the City of Pittsburgh to issue a quit claim deed for property in the 19th Ward of the City of Pittsburgh designated as 1-P-64, to the Port Authority of Allegheny County for the sum of \$600.00.

Which was read.

Also,

Bill No. 671:

Resolution authorizing the City to issue a quit claim deed for property in the 19th Ward, 1-P-62 & 63, to the Port

Authority of Allegheny County, for the sum of \$1,400.00.

Which was read.

Also,

Bill No. 672:

Resolution providing for Conveyance by the City of certain property, under Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective 12-11-84.

(A) 63 Duff Street, 5th Ward, Block 10G, Lot 211, being sold to Charles & Crystal Alexander. Two (2) story frame house situated on a lot containing an area of 1,940 sq. ft., \$2,500.00 Intended Use: Rental Unit. Council District 6.

(B) 6947 Kedron Street, 12th Ward, Block, 125D, Lot 128, being sold to Lamont D. Tomman. Two story insel brick house situated on a lot containing an area of 1,860 sq. ft., \$2,000.00. Intended Use: Rental Unit or Resale. Council District 9.

(C) 7249 & 7251 Kelly Street, 13th Ward, Block 174K, Lot 382 & 383, being sold to Roland Smith, Jr. Two story brick house situated on a lot containing an area of 2,060 sq. ft. together with adjoining vacant lot containing an area of 2,060 sq. ft. (4,120 sq. ft. combined). \$2,000.00. Intended Use: Personal Residence. Council District 9.

Which was read.

Also,

Bill No. 673:

Resolution providing for the conveyance by the City of certain property under Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", having been placed for sale to adjoining property owners in conjunction with the City of Pittsburgh/City Source Associates Sideyard Program.

(A) 16 Mayflower Street, 12th Ward, Block 83M, Lot 171, being sold to Paul L. & Cerna Benton. Vacant lot containing an area of 1,713 sq. ft., \$100.00. Intended Use: Additional yard space. Council District 9.

(B) 609-611 Hale Street, 13th Ward, Block 172R, Lots 283 & 284, being sold to Pacific Properties Trust. Two vacant lots containing a combined area of 2,702 sq. ft., \$200.00. Intended Use: Additional yard space. Council District 9.

(C) 1266 Spring Garden Avenue, 24th Ward, Block 24C, Lot 200, being sold to Agnes M. Vogel. Vacant lot containing an area of 4,761 sq. ft., \$100.00. Intended Use: Additional yard space. Council District 1.

(D) 1241 Voskamp Street, 26th Ward, Block 24-G, Lot 64, being sold to Dennis G. & Constance L. Jost. Vacant lot containing an area of 5,971 sq. ft., \$100.00. Intended Use: Additional yard space. Council District 1.

Which was read.

Also,

Bill No. 674:

Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, known as Lien Excluded Properties acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective 12-11-84.

(A) 3219 Dawson Street, 4th Ward, Block 29G, Lot 256A, being sold to Oak Street, 4th Ward, Block 29G, Lot 256A, being sold to Oakland Planning & Development Corporation. Vacant lot containing an area of 4,422 sq. ft., \$100.00. Intended Use: Assemble for future development. Council District 6.

(B) 3221 Dawson Street, 4th Ward, Block 29G, Lot 255, being sold to Oakland Planning Development Corporation. Vacant lot containing an area of 2,457 sq. ft., \$100.00. Intended Use: Assemble for future development. Council District 6.

(C) 929 Chartiers Avenue, 20th Ward, Block 20R, Lot 88, being sold to West End-Elliott Joint Project, Inc.. Vacant lot containing an area of 3,000 sq. ft., \$100.00. Intended Use: Assemble lot for future development. Council District 2.

(D) 616 Lorenz Avenue, 20th Ward, Block 20R, Lot 46, being sold to West End-Elliott Joint Project, Inc. ½ 2 sty. Dble. Insl. Brk. Hse. & sto, & 1 sty. c. b. gar. Situated on a lot containing an area of 5,700 sq. ft., \$1,000.00. Intended Use: Demolish structure and prepare site for construction of a townhouse. Council District 2.

(E) 618 Lorenz Avenue, 20th Ward, Block 20R, Lot 47, being sold to West End-Elliott Joint Project, Inc. ½ - 2 sty. dble. Insl. Brk. Hse. & sto, situated on a lot containing an area of 1,800 sq. ft., \$1,000.00 Intended Use: Demolish structure and prepare site for construction of a townhouse. Council District 2.

(F) 728-732 Lorenz Avenue, 20th Ward, Block 20R, Lot 64, being sold to West End Elliott Joint Project, Inc. Vacant lot containing an area of 5,000 sq. ft., \$600.00. Prepare site for construction of a townhouse. Council District 2.

(G) 622 S. Main Street, 20th Ward, Block 19D, Lot 221, being sold to West End-Elliott Joint Project, Inc., 1,363 sq. ft. 3 sty. brk. hse. Situated on a lot containing an area of 1,363 sq. ft., \$1,000.00. Intended Use: Rehab for Resale. Council District 2.

(H) 620 S. Main Street, 20th Ward, Block 19D, Lot 223, being sold to West End-Elliott Joint Project, Inc., Vacant lot containing an area of 2,351 sq. ft., \$100.00. Intended Use: Assemble for future development. Council District 2.

(I) 106 Wabash Street, 20th, Block 19M, Lot 60, being sold to West End Elliott Joint Project, Inc. 3 sty. brk. & al. Sdg. Hse., fra., dble. Gar. Situated on a lot containing an area of 2,028 sq. ft., \$1,000.00. Intended Use: Rehab for resale. Council District 2.

(J) 141 - 143 Wabash Street, 20th Ward, Block 19M, Lot 110, being sold to West End Elliott Joint Project, Inc. 2 sty. fra. Dble. Hse. 1 car. Gar., situated on a lot containing an area of 10,750 sq. ft.,

\$1,000.00. Intended Use: Rehab for resale. Council District 2.

(K) 137 - 139 Wabash Street, 20th Ward, Block 19M, Lot 112, being sold to West End Elliott Joint Project, Inc. 2 sty. brk. dble. Hse. Situated on a lot containing an area of 19,105 sq. ft., \$1,000.00. Intended Use: Rehab for resale. Council District 2.

(L) 133-135 Wabash Street, 20th Ward, Block 19M, Lot 114, being sold to West End Elliott Joint Project, Inc., 2 sty. Alum. Sdg. Dble hse. Situated on a lot containing an area of 4,398 sq. ft., \$1,000.00. Intended Use: Rehab for resale.

(M) 2650 Perrysville Avenue, 26th Ward, Block 46B, Lot 55, being sold to Perry Central Neighborhood, Inc., 2,5 sty, brk. hse, brk. gar. Situated on lot containing 11,442 sq. ft. Council District 1.

(N) 3762 Baytree Street, 26th Ward, Block 116A, Lot 294, being sold to Observatory Hill, Inc., \$1,000.00. 2 sty.hse, lot containing 3,125 sq. ft., Intended Use: Rehab for resale. Council District 1.

Which was read.

Also,

Bill No. 675:

Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", eff. 12-11-84

(A) 1525 Hawthorne Street, 10th Ward, Block 120-M, Lot 125, being sold to Ronald E. Williams, \$1,000.00. Vacant lot containing an area of 6,670 sq. ft. Intended Use: Additional yard space. Council District 7.

(B) 5475 Kincaid Street, 11th Ward, Block 83-J, Lot 70, being sold to Titus L. & Annie L. Williams, \$500.00. Vacant lot containing an area of 4,025 sq. ft. Intended Use: Gardening and additional yard space. Council District 7.

(C) 6910 & 6924 Hamilton Avenue and 6911, 6925-6927 Tenner Way, 12th Ward, Block 125L, Lot s 210, 210A, 215 & 277, being sold to Fred I. Schwartz & Melvin E. Solomon Rental Account, \$7,000.00. Four vacant lots containing a combined area of 10,038 sq. ft., Intended Use: Expansion of building. Council District 9.

(D) 136 Winslow Street, 12th Ward, Block 124N, Lot 361, being sold to Darnell Grisham, \$500.00. Two story frame dwelling situated on a lot containing 2,100 sq. ft. Intended Use: Personal Residence. Council District 9.

(E) 7900 -7902 Frankstown Avenue, 13th Ward, Block, 174S, Lot 159, being sold to Diane Robinson, \$2,500.00. Vacant lot containing an area of 5,367 sq. ft.. Intended Use: Build nail salon. Council District 9.

(F) 1054-1056 Wheeler Street, 13th Ward, Block 174H, Lot 240 & 241, being sold to Geter Sloan, \$600.00. Two vacant lots containing a combined area of 6,000 sq. ft. Intended Use: Clean up and maintain. Council District 9.

(G) 1808 Meadville Street, 25th Ward, Block 23-C, Lot 144, being sold to Fineview Citizens Council, Inc., \$1,000.00. Vacant lot containing an area of 4,000 sq. ft., Intended Use: Combine with other already owned property and develop new house on site.

Which was read.

Also,

Bill No. 682:

Resolution authorizing the Mayor to solicit bids from eligible companies and to enter into an Agreement or Agreements with the chosen bidder, in a form approved by the City Solicitor, to establish a transit shelter program for the installation and maintenance of bus shelters at selected sites throughout the City, including the sale and placement of advertising signs on designated shelters.

Which was read.

Also,

Bill No. 683:

Resolution providing for an Agreement or Agreements with a consultant or consultants for professional training services at a cost not to exceed \$55,000.00 and providing for the payment of the cost thereof.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Udin:

Motion to recommit Bill 668. That's the refinancing of the bond indebtedness of the city. It will come up again in September. It will be recommitted again and then it will come to Council again when Council will ask to recess the September 15th meeting in order to finally pass action on it on September 16. But for today it is simply a motion to recommit.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Onorato:

Just comments on Bill 672. Mr. Hurt was in here and he has been here on a lot of Wednesdays, representing the Perry Central Neighborhood Council. There is a property, 2617 Perrysville being sold to Perry Central Neighborhood Council Inc. and he is under the impression that he is not receiving the same treatment as other CDC's and community groups.

I would just ask that the Finance Department, I don't think we need an amendment here. But to the Finance Department, treat Perry Central Neighborhood Council Inc. in the same manner as we treat the other community council's when it comes to the minimum purchase price if they get buildings and workout whatever misunderstanding exists there.

Because it appears that either Mr. Hurt is not informed of the rules or he is being treated differently. That is

something that I had the Clerk's Office do a follow up on to make sure that this particular property is sold at the required minimum level that we treat other councils.

The Chair:

Is that the gentleman who is trying to buy one all the time? So he will have the opportunity.

Mr. Onorato:

Yes.

Mr. Ferlo:

Just to amplify clearly in this resolution, there are a number of community groups Oakland Planning and Development, West End Elliott Joint Project, and a few others. It seems as though land, empty land, vacant land, is being conveyed for \$100 and substantial buildings, three story brick and other kinds of structures are \$1,000. Councilman Onorato's point about this being consistent with the other community development groups is accurate.

The Chair:

Thank you. Any further discussion?

The bills are now ready for final action. All in favor of the passage of the bills vote aye when names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES **Nine** **NOES** **None**

Bills have received the legally required number of votes and are passed finally.

MR. HERTZBERG PRESENTED:

Bill No. 697:

Report of the Committee on Public Works, Water and Environmental Services for July 29, 1998, transmitting one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 628:

Resolution granting unto Carl Kohlman of 5851 Ellsworth Avenue, an encroachment to construct, maintain and use at their own cost and expense, a sidewalk Café 20 feet in length and encroaching 6 feet onto a 12 foot sidewalk in the 7th Ward, 8th Council District.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Ferlo:

I know Council is somewhat divided on this issue. My colleagues who are wanting to approve this, I think, have made a good argument about uniformity and equity and the manner in which we scrutinize these granting rights by City Council, in this case an encroachment for a street café. But I did ask for a legal opinion and I still have concerns and reservations notwithstanding that this maybe the first time that we raised some of these issues. But it is too important of an issue at least for me.

I have a number of nuisance bars and other establishments in my Council District that I would not want them to be granted automatically or presume that they are automatically granted just because they went through the administrative process of Public Works and giving \$100 or \$150 check and have someone in Public Works determine that there are four feet left right of way in the sidewalk. There has to be more scrutiny and at least in my Council District before people have a street café I want to know who and what and if there are problem establishments or issues that should be addressed that's really what the Council role and function and prerogative is.

At this time if we proceed I would have to vote no on this bill and I would strongly ask that we consider recommitting it for a legal opinion.

MR. COHEN seconded the motion.

Mr. Ricciardi:

Discussion. Obviously, colleagues, I am going to support the motion to

recommit. I agree with our colleague, Mr. Ferlo, that I believe when we grant an encroachment especially when it comes to an activity that's going to happen in the public right of way. We have to look at other factors, not just is there room on the sidewalk for pedestrian travel.

To be perfectly honest with this Council as everyone knows I try to visit and I try to know what type of activities are going to happen in all public right of ways. I think what we need to have right now we need to call a moratorium on approval of these applications, in order to make sure other criteria is being looked at. I am going to be very open to this body and in effect to be perfectly honest with everyone. I am going to just talk to the audience regarding two issues.

One issue is the Original Hot Dog wanted to expand to Bates Street in Oakland. We were successful in stopping that. We are now in legal battle, a five-year battle, and we are stopping the Original Hot Dog from locating to the South Side of Pittsburgh. The Original Hot Dog gets over those hurdles in court and is permitted to open on the South Side, I can't imagine with his track record of that establishment, having an outdoor café and the raucous that he would bring with it on our sidewalks, let alone inside of the establishment.

So I am going to support this recommitment, I am calling for a moratorium on all encroachments for sidewalk cafés until the administration sets up other criteria besides how much room is left on the sidewalk and once the outdoor café comes in. Because the Original Hot Dog is just that.

I am going to continue to put up

every hurdle that I can to make sure that the Original Hot Dog does not relocate in Oakland or does not open up a satellite office or a satellite store in the South Side of Pittsburgh. This is another factor in my fight against that establishment.

Mr. Udin:

I think that we are treating this citizen patently unfair. All of a sudden now we decide that we are going to halt sidewalk cafés when we have issued encroachments for sidewalk cafés all year long to anyone who has ever requested one. I think it's patently unfair.

If there are other problems, this is not a situation where this particular institution unlike the example by the Original Hot Dog, no one has claimed this particular institution has a problem and a history anywhere close to the Original Hot Dog Company. As a matter of fact there are some questions as to whether or not they are even consistently open. It's just the opposite; it's not a nuisance.

If we are going to begin a criteria that such sidewalk café encroachments will have to be checked for back taxes, then we can't selectively apply that it has to be applied to everyone. We have not applied that in the past. So it seems to me that the whole way that this particular question is being treated is not consistent and not fair.

I think that it ought to be passed. The reason I think that we have given encroachments in the past is that it helps to enhance the business. If we want this person to be able to pay their back taxes and they're trying to make their business go so that they can be financially solvent

and pay their back taxes, then it seems to me we ought to be willing to help them to do that.

So I just call for fairness and uniform treatment. I don't think that this particular application for a sidewalk café is being treated fairly or consistently.

Mr. Ferlo:

I agree to some extent with Councilman Udin's observation. But in the end the granting of the encroachment ultimately is a privilege that we grant as our legislative policy. I spent a lot of time. There has never been a street café or any type of encroachment, a street vacation or an easement in my Council District that I haven't been personally aware of. Either because I know the building, the location, or I have talked to the property owner or something.

So, obviously I am very opinionated when someone is granted a certain privilege. I am not going to ever grant something where there maybe a problem or an infringement upon the rights of adjoining property owners, the community at large. Personally if I knew and had knowledge of private property owners business practices if they were cited, let's say if they are an LCB establishment, if we know for a fact that there has been a history of not paying taxes, those are issues at least that I would subjectively apply in reviewing the application.

I agree with the Councilman that we should not do that in an arbitrary and capricious manner. Maybe what we should do is ultimately amend the administrative code so that Public Works,

administratively when getting an application must systematically review back taxes, LCB citing, we can enumerate any number of issues. I agree with that. That should be done maybe uniformly, but ultimately it is still a privilege granted by this Council. In this respect, I still would like a legal opinion based on the resolution that is before us.

Secondly, I would still like to know some information including the fact that so we are not pointing just to this establishment on whether or not there might be a back tax issue or some infraction with the housing court. I want to know also retroactively if we have already given a granting of this privilege, and if another establishment is passed one year owing back taxes, do we have the prerogative to revoke the privilege we have extended to them. So there is ancillary issue that Council is raising also.

The Chair:

You are requesting a legal opinion on the tax issue?

Mr. Ferlo:

I am asking a legal opinion on whether or not we can just unilaterally at this point either approve or reject this based on issues or information that we request? Do we just have to perform a ministerial function and sanction or approve this based on the fact that they went through the process with the administration and the Public Works department?

I mean at what point does Council have the ability to use its discretion for any number of reasons not in an arbitrary or

capricious manner but for some important reason do we have the right not to grant the privilege in this case an encroachment for the street café?

The Chair:

So technically you are asking for the recommittal for that until that issue is resolved?

Mr. Ferlo:

Yes.

Ms. McDonald:

Thank you. I am not going to support a recommittal, simply because I think it exposes this body and the city to some type of legal liability. This very much so mimics my research into -- I hated to keep bringing it up but that infamous KKK Rally that was held on the City County portico. The legal problem that was there at that time, when you use a situation, one particular incident to then move forward with some kind of change in policy, that is what exposes you to some type of legal liability. You are using that particular instance, that entity that applied for a permit or etceteras.

You have more legal standing to fight things like this if you have policy already in place. So, therefore, I cannot vote for a recommittal because this more or less pulls this particular instance into a change in policy. Thereby, I think exposing ourselves.

What I would prefer is that unfortunately this is not a big deal. Let's face it. Let's look at this and I would defer to Council -- normally I defer to the

Council member who represents that district to say, what do you want to do?

What do you want to do? Let's think about this, all this gentleman is asking for is an encroachment upon a sidewalk to conduct a sidewalk café. He's not going to do it in the dead of winter. I think December, probably November, maybe even October, you won't see any chairs out there. You are only looking at maybe a couple of months. You are not talking about some type of permanent establishment on the sidewalk. It's not a phone. It's only permission to have chairs, tables, and etceteras on a sidewalk. No different than what is going on all over Ellsworth Avenue. It is very much in sync with that whole block area of Ellsworth Avenue.

So I think if you put it into a context of what is this gentleman really asking for, he's not asking for an abatement on his taxes, he's not asking for anything except to put chairs out there. Let's face it, I can bet you any money there are a lot of establishments that already put chairs and tables out there and have not officially asked us for permission or a permit for an encroachment. I bet you if we did an assessment or a survey acrossed the city, there is a whole bunch of establishments that have chairs and tables on sidewalks.

So I don't think it will be prudent for us to use this particular issue to set policy. I think that we need to just let this one go, and we will deal and this basically triggers the notion that maybe we do need to review some policy changes and how we administer or issue permits or encroachments, or etc.

So, I can't vote for the recommittal.

I understand the problems with it and the controversy. I agree with my colleagues, but unfortunately I have to make a decision based upon a decision that I think is legally and policy wise sound and that is to just let this one go. That it is not a big deal and to then review it and recess and maybe come back with some serious policy change and some dialogue with the administration.

Mr. Udin:

Yes what is curious about this recommittal is, Mr. President, is that it is a recommittal that seeks to get clarification as to whether or not we can legally exercise a privilege. But even if we could exercise that privilege, it is unclear to me what the basis of our denial is. It's unclear to me even if we exercise our privilege; we don't have the right to exercise that privilege arbitrarily.

The request for a recommittal in this instance since it is on the eve of Council's recess is effectively an effort to kill this legislation, to kill this request, because it will not come back up before Council until the fall. The prime time for sidewalk café activity is right now. We do not have a basis right now before us for denying this request. We haven't done it in the past. If we need to do it in the future, then let's do it at a time when it is not costing someone the right to do business. Not do it, slide it in just before Council takes a recess and then tell him he can set up his chairs in the snow. That is unfair.

We ought to move this bill on this particular one and then if we want to take up the issues that Councilman Ferlo referred to, then we ought to do that on

face and the merit of the issues themselves and not use it as a ploy to deny this request.

Mr. Ferlo:

Just end with this point, if we had gotten to the point where someone else at the table would have been allowed, aside from the Public Works Administrator who is just processing paperwork for a street café. I raised some substantive issues about whether or not this bar is actually operational and that's a concern.

I don't think that we should have marginally operating businesses have a street café. I would be concerned about the manner in which that street cafe would operate given the neighborhood setting that it is in. I raised an issue about a question about whether or not rumors of substantial back taxes are accurate. Now whether or not I would vote yes or no based on that issue, I think it is an appropriate question.

I asked legally do I have a right to find out and explore those issues? There has also been a substantial question about a large sum of money expended by the city for the demolition of an adjoining building halfway down the street at a great cost to the city taxpayers, part of our demolition account, when this individual basically was recalcitrant and not addressing a major blight along the Ellsworth Avenue corridor.

So, do I want to extend the privilege of the street café, which is a prerogative granted by this Council if we could determine that those facts were the case? I don't know that yet, I am trying to get to know that point. If that were the

case, I would vote no. I would not extend that. That is not singling out this individual, I would do the same for anyone else. I have raised issues in the past based on my knowledge of street cafe permits that have come before us.

Mr. Cohen:

Thank you, Mr. President.

Mr. Ferlo:

If it is goes ahead today, I will respectfully vote no.

Mr. Cohen:

As the Councilperson for that district, I do support the recommitment. The reason I do is because we need to understand what the standards are on encroachments. What our legal standards are for either approving or denying encroachments. We have not gotten that answer from the Law Department.

We do know several facts with respect to this particular application. We do know that the owner of this establishment has significant back taxes. We know that for a fact. We do know that the City of Pittsburgh just spent thousands of dollars, I think in excess of \$50,000 to take down a property about a block and a half away that this gentleman owns with his sister. I know that, Mr. President, because that gentleman took the city to court at three different court proceedings on that property. The reason I know that first hand is because I was present at two of those court proceedings.

So, not only are we talking about back taxes here, not only are we talking

about the city expending significant money to take down a vacant abandoned building, that was in horrible condition, but also significant legal expenses that the city has had to expend. To me that is enough to at least recommit this bill to find out what the appropriate standards are for denying an encroachment.

The Chair:

I have a couple of problems with a lot of things that were said. One is on a moratorium for any of this because we have been helping a lot of businesses put it through faster. If there is any kind of moratorium, anybody that needs one now, if he or she doesn't get it by the next six weeks, they're certainly not going to need it in November or December. So by holding this or any other business we may hurt them.

In most of, at least my district, they're all coffee shops, bagel stores things like that. I don't know if we have a criteria, is this a bar, or bar only? There is a difference between, I don't know that we want people sitting out having a six pack on any corner. If we are doing that, we maybe heading in the wrong direction. If every bar does that, I don't know if that is a good sign for the city. If it is a cafe restaurant, to me there is a big difference between that and a bar and people sitting on the corner. These are things that we need to look into.

Would you be open to a temporary 30, 60 day for this or for anyone who would apply to Public Works could give a temporary permit for 60 days until we can resolve these issues? Again, I am trying to keep us out of court if that's -- I haven't seen this place, I don't know what it is. If

it's just a corner bar, I don't know that we need outside cafés on a corner bar.

Mr. Udin:

Just a point of clarification. I can clarify they have not requested to use this encroachment as a way of violating the Pennsylvania Liquor Control laws. It is the same kind of encroachment that other restaurant and cafés that also sell liquor have requested from the city and that is to do whatever is legally permissible on the sidewalk, out on the street. I don't understand, Mr. President, while I have the floor, what the relevance is of the cost of the city to tearing down the building for the back taxes when we have not used those criteria for denying encroachments to other people who have requested them.

I don't like the fact that the city had to pay money to tear down a building or to go to court. I don't like that, but do we have the right to single this person out and punish him unlike what we have applied to other people who have applied for encroachments, and we are not just talking about encroachments for sidewalk cafés. We're talking about encroachment period, any kind of encroachment. We have not applied those same standards and it is patently unfair. We are punishing this person because he took us to court. We are punishing the person because we had to tear down the building, which is unrelated to this particular building; it's a different building. It's an absolutely different building. I am just asking for fairness here and uniformity.

Mr. Ricciardi:

Yes. Just to my colleague, Mr. Udin, it's a new day and a new day brings

new information. And new information needs one to sit back and re-evaluate one's position. When one asked for an encroachment from the City of Pittsburgh they're not asking for an encroachment from this legislative body in itself, we're representing taxpayers. They're asking for an encroachment from their neighbor, from taxpayers, from the residents of the City of Pittsburgh in order for a resident not to walk on that particular part of the property.

In order to receive an encroachment from the residents of the City of Pittsburgh they should be treating the residents of the City of Pittsburgh fairly. It appears from the information that Mr. Cohen has set forward, whom I believe one hundred percent, that this person has not been a neighbor in the City of Pittsburgh. That this person has not paid their taxes in order to have services delivered to that street to remove snow, to resurface that street, that this person has now cost the City of Pittsburgh, the taxpayers money, to demolish, it appears dilapidated buildings, so it's a farce.

So why should the residents of the City of Pittsburgh say okay you have not paid your taxes, okay we're paying to get your building demolished, yeah you can rope that off. We are not going to walk on that piece of property that we own that we have a right to. It is just a farce.

So I can tell you, I don't need a legal opinion to tell me how to vote or to advise me how to vote. We keep forgetting all these attorneys do is give us their opinion on the law. But we set public policy and we should be able to and want to defend public policy in court.

These issues never came around

before. When we asked, when people asked for encroachments, all in all I am sure everyone was basically paying their taxes, and we would look at these blatant issues. None of these blatant issues ever came forward before. Because I tell you why, they probably never existed. We all know our districts, if an encroachment came before us from an individual from my district that had this type of track record, I would have known it and I would have brought it forward. We don't need that legal opinion. Vote to recommit this bill. Thank you.

Mr. Hertzberg:

Just a few comments. First, the legal opinion we did get last week was, I don't know, I need some more time to look at this. It was such an open and shut we are making a big mistake by recommitting, I think we would have had a little bit more of a red flag from our Law Department.

And second, I want to also back up Councilman Ricciardi on what has happened in the past. I don't think we are treating this any differently than any other encroachment request. As long as I have been on Council we have never had one where these issues were present, where you had someone that was delinquent on taxes and causing a lien to be filed against them. I feel exactly the same way. I am not going to sit here and say that's okay with me; it is not okay with me.

So I think a recommittal is the least we can do here. The issue of a moratorium of some kind by this vote in no way is that being done here. Councilman Ricciardi may or may not want that, I don't want that. I want to make it clear that in voting for this bill, I

am not supporting any kind of moratorium on future issues on sidewalk cafés or any other kind encroachments.

The Chair:

We do have the obligation to start looking into them and make them long. If the coffee shop or whatever doesn't pay their taxes, they should not be given this privilege whoever they may be.

Mr. Ferlo:

That's the difference between that and the future code. So that administratively the Public Works Department does that as a matter of force versus our prerogative of knowing information as a basis for whether or not we approve or not approve a particular privilege. It still is a privilege. Everything that has come before me in my Council District -- things that have come before me in my Council District.

Mr. Udin:

We haven't asked the question of anybody else that's how come we don't know who owes, who pays, we haven't asked. We are only asking now.

Ms. McDonald:

I just want to say there is --

The Chair:

Hold on one second. He had the floor. Are you finished with the floor?

Mr. Ferlo:

Yes.

Ms. McDonald:

I am trying to build up --

Mr. Ferlo:

The motion on the floor is the recommittal. Motion on the floor it is not voting yes or no. It is a question of whether or not we want a recommittal.

Ms. McDonald:

Further discussion on the recommittal. Whatever happened to Bob O'Connor's suggestion? I think President O'Connor had an excellent suggestion, there was no response to that. Is that because there is so much controversy involved here but yet we are all feeling in sync as far as making sure that we don't grant encroachments and permits and what have you to people who are tax delinquent or as was said before, not good neighbors in the City of Pittsburgh? What is the response on Councilman O'Connor that we grant the encroachment for a couple of months with the condition that it has to come back before Council again? It is not a permanent encroachment. We are talking a couple of months.

The Chair:

I said sixty days, you can make it forty-five and we can have it in front of us in September. I will put the motion on the floor.

Mr. Ferlo:

There is a motion that we should vote up or down. If it loses then you can make a motion.

Ms. McDonald:

I am asking for a response on Councilman O'Connor's suggestion.

The Chair:

We have another motion, he is right.

Roll call vote on the recommittal.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Mr. Onorato	Mr. Ricciardi
	Mr. O'Connor
	(Pres't)

(Ms. McDonald and Mr. Udin voted no)

The Chair:

The bill is recommitted.

MR. ONORATO PRESENTED:

Bill No. 698:

Report of the Committee on Planning, Zoning, and Land use for July 29, 1998, transmitting one ordinance and two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 21:

An Ordinance Amending the Pittsburgh Code, Title Nine, By revising the Code in its entirety. (Hearing Held, April 30, 1998 and June 4, 1998). (SPONSORED BY MR. ONORATO).

Which was read.

Also,

Bill No. 575:

Resolution approving a Conditional Use under Section 993.01(a)(20) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to the Manchester Youth Development Center for authorization to renovate an existing school building at 1214 Liverpool street with classrooms in 2 temporary trailers on nearby lots for the establishment of a charter school on property zoned "R4" Multiple Family Residence District, 21st Ward, Council District No. 6. (SPONSORED BY MR. UDIN)

Which was read.

Also,

Bill No. 654:

Resolution authorizing and directing the Director of the Department of City Planning to establish a Zoning Code Review Committee in conjunction with Legislation revising the Zoning Code in its entirety. (SPONSORED BY MR. ONORATO.)

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Ferlo:

I refer to the Chairman.

Mr. Onorato:

I am going to talk about 654 first. That's the companion bill to the changing of the Zoning Code. This bill is the one that establishes the Review Committee. I apologize to my colleagues for not having this proposed amendment in writing, but it is very minor, it is a correction. If I can have a motion to waive the rules of Council and also for the purpose of amending this bill and adding number four under committee members. I inadvertently forgot to mention members of Council would also sit on the committee.

MR. FERLO seconded the motion.

Which motion prevailed.

Mr. Onorato:

I will just be brief. I hope we can move forward with the vote today and with the Zoning Code and along with the corresponding legislation that would establish the Review Committee and having some of our colleagues sit on it along with neighborhood groups and the realtors. That we can spend the next six to 12 months going through the code if there are any technical corrections that need to be made or if there is anything discovered that actually doesn't work or any good proposals that we come forward to Council maybe six months from now and 12 months from now with a round of any adjusting entries.

If there are any, but it is something

that we can take our time doing. We can get the code passed today; it won't be effective until six months from today so it gives time for making corrections. The old code will be in place for the next six months. I just want to thank the Planning Department for all the time they put in. I want to thank residents from the communities that have taken an active roll, the realtors, our colleagues; this has been a very painful process but a process that continues to move forward and is constantly changing.

Final vote today is definitely not the final say on the Zoning Code. It is just the end of one particular process and going into another. I look forward to participating on the Review Committee. I will be active on there and I will look forward to any of my colleagues who would like to be part of the Review Committee and take an interest in it. That's all I have to say on the Zoning Code today, and I hope we get a vote up today.

Mr. Ferlo:

Thank you. I think everybody has worked very hard on this whole issue of rewriting the Zoning Code. I think everyone needs to be commended for lots of hard work even the overpaid consultants. Some of who are in the audience today. They did work hard and their skills were needed obviously.

I am a little bit concerned that we spent close to a million dollars to rewrite a document that at least from my reading is not any more clearer or clearly understandable than even the previous document. So maybe someone else will figure out why that is, that we spent so much money and don't necessarily have a

document that is more user or customer friendly. I will let someone else address that.

I want to be self-critical though. I am still not ready to vote for this Zoning Code. I am going to have to abstain if we proceeded to vote today. I think the last few meetings of Council we were actually at the point of honing in on substantial issues that really people care about. That have a lot to do with the livability of this city, the marketability of this city, and it was very constructive debate.

I still think we should continue that debate to some extent. I don't agree a lot substantially with amendments that were offered by for instance the Board of Realtors. But they did raise some important issues. Some of which we started to talk about. I think through that discussion we better understood what the impact of the code is and why it is so important to so many people, especially property owners. As a result to some of that discussion, we did modify a number of concerns.

I feel like the last few meetings of Council especially given the agendas in the last two meetings in particular, did not lend themselves to everyone being attentive and participatory when it came to the final debate on a lot of key issues. Now I am going to go through a few brief issues.

We never really got into the use table enough. Meaning what is allowed currently in the code, how are all these zones being re-changed into another classification? For instance, LNC under the new code is Local Neighborhood Commercial. In the past people would

know that as being C-1 like O'Bryant Street Highland Park, C-3 like a Liberty Avenue in Bloomfield or A-1 like Carson Street in the South Side. Those three neighborhood commercial areas are being merged into now what is called LNC.

Now I have been in office 11 years. In my 11 years I have participated before many Zoning Board of Adjustment Hearings on behalf of residents, adjoining property owners, including being proponent of a development. So, I am looking and I am trying to apply the code as to how it relates to the many times that I have been in front of the board and what I think people care about and what our impact issues that people should be concerned about.

The new code allows automatically dining with alcohol permitted in a LNC in a Local Neighborhood Commercial. Before it was a special use. So, in a C-1 neighborhood corridor if you have a substantial restaurant with a liquor license, it is a higher impact issue to that neighborhood and to that business corridor than other kinds of uses. The old code allowed it but it had to be a special exception. So you at least had to go through the process adjoining property owners, neighbors, community groups, what have you would have a right to raise a number of issues involving detrimental impact as to whether or not that should be granted. That is being eliminated.

So now in my little neighborhood business corridors, of which I have several that are C-1, there are certain uses that are allowed that are higher impact. It may involve more traffic, more employees coming to the area, larger garbage containers because it is a restaurant. All of

the kinds of issues that people care about in terms of restaurant expansion. That should still remain a special exception. So people can go through the process.

We have had a lot of problems in my Council District with auto dealers and not so much car garages that are enclosed, but the open air you know bargain auto mart kinds of places that pretty much take over the corner of the street. Under the new code the restrictions are lower meaning these kinds of operations have more ability to do what they want to do in these neighborhood commercial corridors and they are problems at least to the business development in my Council District.

The new code allows public utility facilities with towers and lines only to be subject to an administrator's exception as opposed to the previous process. I have a problem with that.

The new code allows group residencies all will be permitted and unrestrictive. In what was a C-4 commercial area is now a UNC or what they call an Urban Neighborhood Commercial.

There is in the M-2 and M-3 zones, which are many areas that are light industrial areas where there is mixed use. In fact some of those areas especially those closest to the riverfront, we have seen in the last decade no longer being used for purely larger commercial or warehousing or storage or light industrial. They have taken on a different flair. They are entertainment, they are nightclubs, they are brew houses and the like, which to me is all but healthy development in those areas.

In M-2 and M-3 which is now called NDI, Neighborhood and Industrial

District a number of uses such as breweries, building materials, sales and storage, distribution centers, and plants, machinery's sales and repair shops and general storage will no longer be allowed under any circumstances. I don't understand the sense of that. If I have a light industrial area, of which I represent a number of them, and we have had much development in those areas, both high income condominiums being retrofitted in older industrial buildings to brew pubs that used to be you know metallurgy company, and a like, what is wrong with that? Why not continue to allow those kinds of mixed uses if it is not detrimental and nobody has a grief with it. It has been a healthy way to redevelop some of these older industrial looking buildings.

In the old M-1 to three area which is now called this NDI Neighborhood Industrial District, group residents and clinics will now be permitted. I have a problem and we just had a recent case where we argued against the presence of a methadone clinic in the strip district because with the commercial folks there both the retailers and the industrial buildings in the area, objected to the presence of a methadone clinic in that area.

That will now be a use by right and permitted as opposed to a special exception where people can go before the board and argue different concerns. There may be a more appropriate location for a methadone clinic. I am not in favor of liberalizing the code and taking people's rights away at least from being able to argue to the Zoning Board why there might be detrimental impact if a methadone clinic were located in this particular zone.

In the M-4 zone which was industrial area now under General Industrial Clinics will not be allowed -- clinics will not only be allowed for the first time, but permitted. There are industrial areas that don't want certain kinds of clinics operating next door to them.

The home occupations are now permitted and not subject to the Zoning Board of approval. Now, I was in favor of not having home occupations include any employees. If they involved employees they should bump up and get some rental space in the commercial corridor. But I didn't necessarily agree that they shouldn't still go before the board. There may be home occupations even notwithstanding our approved amendments that people still might find objectionable that they may not want to have next door to their homes. I don't want a gun salesperson next to my home as an example.

There was an issue I think Councilman O'Connor raised some time ago. So, I am still confused about what we allowed there in terms of home occupations. I agree and I supported the amendment, on home occupations not having employees that was a good step, but I still would like to see home occupations have to go before the Zoning Board. Neighbors alone should have the right of knowing if there is some kind of commercial type of activity going on in that place even if they meet the requirements and don't have employees. There should still be a process by which a group or adjoining property owners could argue detrimental impact, but there may be some home occupations that don't have employees but maybe would create traffic

or some other kinds of problems in the community.

Again, those are just a few of the issues. Time doesn't permit me to go through the whole code, but I think there is a feeling that if we don't do this today, then somehow we have turned our back on all the good work and we are being critical. I am not being critical. I just want to clarify; I applaud everybody involved from the top administrators on down who have done a lot of good work on this code. I think 80% of the code is great, at least from parts that I can understand and have knowledge of. But I found the last few meetings of Council to be a healthy process where we were honing in and kind of debating critical issues some of which we did address and resolve, but I still -- I have never not known what I have been voting on.

In 11 years I have never not known how to vote on an issue because I was very knowledgeable of the issue. I don't have that comfortable feeling yet with the Zoning Code. I am ready to vote for it, but I still would like to see more discussions at the Committee level.

Mr. Onorato:

In my seven years on Council I thought I have heard and seen everything. But this one takes the cake. I hope the media is listening because I saw them writing. I am the one that sponsored the bill to try to restrict group homes and make it so restrictive. Councilman Ferlo helped gut that along with my colleagues and I lost.

All of a sudden it is perceived that this code is something that is going to put

group homes every where. Where was everyone screaming when I had a bill that restricted. This is bizarre. So if the media is writing, please be fair. Dan Onorato sponsored the most restrictive group home bill in the City of Pittsburgh and it lost. Councilman Ferlo voted against it and helped kill it.

So this bill in front of us is not a group home bill. Anyone listening on the North Side and throughout the city you know I have been fighting it. You know I have been your allies and I happen to have five votes here on Council, I have had some support but not five. But please don't take that rhetoric, it is unbelievable.

If somebody wants to vote against the code, please do. These issues that Councilman Ferlo brought up he was more than welcome to present amendments to address any one of them and I probably would have supported them.

There is a memo here from the Director addressing everyone of Councilman Ferlo's issues that can also be addressed over the next six months before this is implemented if it is true. I hope Councilman Ferlo does live up to his word and restricts group homes. I hope that for a minute that you can't be the ultimate liberal to some groups and then act like Mr. Conservative voting no. Either you vote on principle or you don't. This is not a group home bill and I resent that fact.

I also want to make a technical correction on this; this bill first of all is not Councilman Onorato's bill. This is being presented by Councilman Onorato in my committee. This is an administration bill. It says sponsored by. I did not create this bill, I did not introduce this bill, it is just

going through my committee and I want to make sure that is clear too.

But some of these other issues used by right having a methadone clinic, I don't know where that is coming from here. I see there is a response from the director on clinics and laboratories and LNC districts where there is a limited medical office space permitted less than 5,000 square feet. There are a couple of other requirements for certain smaller types of medical offices that we can get a definition on what that is.

If it is the will of Council not to go forward ever with this, that is fine. That is the will of Council. All I ask is we have an honest debate, and we have honest discussion. We don't use this guerrilla warfare with misinformation to try to kill something.

I am sorry, I had a response from me sitting here where I got beat up in the media and by every advocate group saying I don't have a heart because I don't believe in group homes. I got to sit here today and listen to a colleague try to hit me on the head as though I am opening the floodgates for group homes, when no one supported me on my tough bill.

I don't mind taking the heat, but please don't play both sides of the fence. If you are for group homes like Councilman Ferlo was or you are not like I was, and the restrictive part of it, that was the truth of what went on here in Council. Now, I will stand up and take my hits for how I voted on the restrictive bill but don't act and turn around and point a finger at me as though I was liberal on that point either. I would just ask that if you want to vote this down because you don't like it, fine.

If you want to truly address these issues, some that Councilman Ferlo brought up, some of the other issues my colleagues might have, you have at least six months before the bill is even effective. You have another six months after that to make the changes after it is in place, if you discover something you didn't anticipate. I can't think of a better process at this point.

Either we continue to try to correct it and make it a good code or we try to never vote it and leave what we have. If that is the answer, that is fine. But I think we should stick to the facts and the issues and really try to get something that works here. That is all I have to say. I just wanted to clarify that point.

Mr. Ferlo:

Just a response. First of all --

Mr. Udin:

Point of order, can other Council members participate?

Mr. Ferlo:

I think I should be allowed an opportunity to respond. First of all, I am disappointed Councilman Onorato has personalized a response to what I spoke at length about in explaining why I have some hesitancy on the code. I don't know why he is personalizing the discussion.

As far as accuracy, I am glad he is not a historian because he would probably have recorded the Revolutionary War was won by the British. I spoke specifically about group residencies in the code as it

relates to commercial and industrial zones. Not the whole issue of so called group homes and the residential area of which he is speaking at length about. Just so we are clear on the history, I voted for the most stringent group home legislation within the constraints of the Federal Fair Housing Act within the constraints of federal and state laws. So, let's be clear on that.

Mr. Onorato:

That is not true. That is not true.

Mr. Ferlo:

It is a matter of public record. If Mr. Onorato wants a public debate on that issue, I welcome the opportunity. But just so he gets the wax out of his ears --

Mr. Onorato:

Now he wants to know why it is personalized, wax in my ears. Who is personalizing it?

The Chair:

Dan, you are out of order.

Mr. Ferlo:

Once again I spoke about group residencies, Mr. President, as it relates to what I had spoken about earlier about C-1 and C-3 and the M commercial zones. I spoke specifically about clinics and group residencies and what was allowed under the old code and what is being required in the future. I didn't reopen the issue of so called group homes.

The Chair:

Why we are on methadone, maybe you can --

Mr. Onorato:

President O'Connor, you played right into his hands. Why don't we just vote on it?

The Chair:

Are those --

MR. ONORATO moved to table.

The Chair:

I have a question. Are they permitted now or aren't they?

MR. ONORATO moved to table.

Mr. Onorato:

I am not even getting into that conversation. I tried to kill them. So my motion is to table the bill. I am the chair, motion to table, call the question. Motion to table the bill. Motion to table the bill. Motion to table.

Roberts Rules of Order, you can call the question on the table.

Mr. Hertzberg:

No second.

The Chair:

There is no second on that. We are going to go down the line.

Mr. Ferlo:

We should have a reasonable discussion about a report and vote.

Mr. Onorato:

Let's wait five years maybe, that is reasonable.

The Chair:

Everyone will have a chance to speak. We will start at this end and work our way down.

Mr. Udin:

Thank you, colleagues. I just want to speak on behalf of the residents of this city who are trying to figure out how their property and their concerns are impacted by this Zoning Code. What I think has not been sufficiently made clear to Council and the public is in what instances do the groupings of zones into a larger grouping effect the uses? Whether it increases this group or lowers this group or gives use by right, I don't think that it was sufficiently clearly pointed out to Council when each one of those circumstances occurred by virtue of consolidation of zones into a larger zone.

So, I am prepared to vote for this new code, but I think that we need -- well I guess the Review Committee is the committee that will more in greater detail comb through the new code and pull out those issues that are new changes by virtue of that consolidation. But I am not sure that the public understands where they take their complaints? Where they take their questions? Where they take their issues? And how those issues will be resolved? So if we can have the assurance from the sponsor that the changes in use

will be clearly identified and that the public will be well informed as to how they get there issues resolved; I am prepared to go forward with this legislation.

Mr. Ricciardi:

I want to hold my comments. Thank you.

Ms. McDonald:

I am ready to move forward.

Mr. Hertzberg:

Thank you, Mr. President. It is a little bit too late now, but I think when whoever started this whole process started they forgot one of the most ancient kinds of principles, if it is not broken don't fix it one when they undertook this process. Small parts of this code were problematic; entire code in my opinion is not problematic. Unfortunately, though we spent years and large sums of money revising the entire code.

At this stage with all the work that has been done and I am willing to vote yes today to move the process ahead. But during this next six months I am very very thankful that that was built into the process, this six-month review period. I intend to read every single provision of the new Zoning Code and propose whatever amendments I feel are appropriate.

I think Mr. Ferlo has brought up quite a few and if the changes in the industrial part of the zoning ordinance are just mind boggling to me. That just cries out to me for something we have to work hard on where every day we scratch our

heads and say you know where are all our young people going? Why aren't there any jobs around here?

We have had numerous studies that talk about the fact that we need to increase the amount of basic manufacturing in this region and then you pick up the Zoning Code it is not friendly to basic manufacturing. What are we doing here?

That's what we should be doing with this code is trying to help this city grow and try to do all the other things that we want to try to do for this city. That is what we have got to have in mind.

I intend to look at it closely in this next six months where we have this new industrial code that is permitted in the M-3 zone as an administrators exception. A blast furnace or coke oven, now it would no longer be permitted in the NDI code which includes the M-3 or a brewery, which was a permitted use by right in the M-3 zone would now not be permitted.

Or building material sales establishment and storage area was permitted as a use by right in an M-2 and an M-3. I guess that's like a Home Depot potentially or maybe a more wholesale oriented kind of building supply, not permitted in an M-2 or M-3 under the proposed zoning code.

Contractors equipment storage was permitted in the M-3, was an administrator's exception in the M-2, now not permitted. Machinery repairing sales and display was permitted by right in M-1, M-2, and M-3 now it is not permitted at all in any of those with the NDI including all of them.

Repair shop just generically put was permitted M-1, M-2, M-3 now not permitted under the proposed zoning ordinance. Finally, just general warehouse permitted in all three, M-1, M-2, M-3 now not permitted under the NDI. We have to take a close look at this and a lot more but I want to move the process ahead. The next six months will be the critical stage.

The Chair:

Can I ask you one question? I was coming in here, Mr. Onorato is the Chairman of this and I was talking to both of you. I was prepared to move the process ahead. What is the big deal to move it ahead instead of working it out now? Can I ask you that question? We're getting more and more questions here.

Mr. Onorato:

That's why I motioned to table.

The Chair:

I want to make sure it wasn't out of anger. Let's make a good decision here. What is the benefit to moving ahead, why not just work on it and wait? I would hate to be at the end of the six months and we would be sitting here doing the same thing and we are out of time.

Mr. Hertzberg:

I think it's moved ahead enough where we can resolve all of these things in the next six months. I think we have had Public Hearings, we have had public discussions, and we have had numerous discussions on Council. I think six months is enough to get this done and it needs to get done.

The Chair:

Let me ask you one more question. What if you are wrong time wise, you can't resolve these issues in six months, what happens?

Mr. Hertzberg:

We can postpone it further. Maybe Councilman Onorato can correct me if he thinks I am wrong. You can always move the effective date back again.

Mr. Onorato:

It is the administration's bill, again.

The Chair:

We are stuck with it, I agree with you.

Mr. Cohen:

Can I answer that question? Voting for this Zoning Code does not close the door on zoning amendments. That point has got to be made here. The Zoning Code is like Pittsburgh itself; it is an ever-changing landscape. Every one of us has made amendments to the Zoning Code in our years on Council.

When Councilman Ferlo says that we need to continue this debate, we will continue this debate as long as we have a Zoning Board of Adjustment, as long as we have a Planning Commission, as long as most importantly, we have a City Council. Because we can amend the Zoning Code at any time. Any part of it so long as we get the approval of the Planning Commission and a majority of

City Council.

So to approve the Zoning Code does not shut the door on changing it. What it does in my view is it puts into place a code that admittedly is not perfect. By no means is this code perfect. But we can't let the perfect be the enemy of the good. This code is better, in my judgment, then the code that was done in 1958.

The last code that we had was done the year that I was born. That was not a reflection of Pittsburgh at the time, it was intended to be a reflection of the future of Pittsburgh. People at that time, city planner's, and etceteras thought that Pittsburgh was going to become a suburban model. That is the view back in the 1950's. In fact, it didn't happen. I am glad it didn't happen. We have a great vibrant urban city here. This new code reflects that greatness and that vibrancy in my point of view. It is as I said not perfect but at least it is a more accurate reflection of the use of land in Pittsburgh than the 1958 code was.

Each of us has had ample opportunity to make amendments in this process. I want to thank Council for its support of the amendments that I put forward with respect to non-conforming uses, and some of the residential protection amendments that I had last week. But at the same time we have a great opportunity to put this into place, see what the inconsistencies the incongruities, even the defects are and be able to make those changes. It is not as if we are going to vote for this Zoning Code and then close the door and turnout the light.

We have ample opportunity to amend it if we put into place and we find

out that there are problems with it. So I would just urge Council to move this forward to vote for it, not to try to by a knee jerk reaction table this not to break down into fights over political hot potatoes that we have had in the past. We will have those in the future; I look forward to them. But this isn't the time for that.

This is the time to vote for a new Zoning Code that people have worked on for two years, that probably has been the most public discussion of any issue that I can recall, and have an opportunity in the future to amend it if necessary.

The Chair:

Final word.

Mr. Udin:

This is on another bill on the same committee.

The Chair:

Can we finish this? Are there any more on the zoning?

Ms. McDonald:

I just want to amend and thank Councilman Onorato as chair of this committee as well as the input for amendments, comments, etc. from Councilman Hertzberg, Councilman Ferlo, and Councilman Cohen. For some strange reason they really like working on this committee with this whole ordinance thing. I don't get it. But I really did respect what they brought forward as far as comments, and trying to work with the administration and trying to come up with some consensus.

I agree it has been a long involved process, it is sorely needed. As one who ended up in housing court over our existing code, in fact going all the way back to 1958 in terms of an ordinance. So I appreciate us moving forward. I am willing and able to vote on this.

I think we can do no more than what we can. There is going to be -- again, I agree with Councilman Cohen on all of his comments that thanks to this review committee it will be a check and balance so that we can indeed fix -- you never know what is going to come up. Things will come up as we go along through this review committee process. I think there will be more resolutions.

The Chair:

Mr. Onorato, before I call on you, I would like you to answer the question, whom is the Review Committee? I guess it is your task you do have the month of January going into February to finalize that.

Mr. Onorato:

The Review Committee is open to anyone, any member of City Council to sit on, a member from the Department of City Planning, neighborhood community groups, and the practitioners, the Realtors Association, the law profession or any individual who on a regular basis appears in front of the Zoning or the Planning Commission who actually deals with this every day.

The Chair:

I know you and Mr. Hertzberg are probably the most active some of the

people from the real estate and the community, do you feel solid that you have a good working committee?

Mr. Onorato:

I am moving this as a courtesy to the administration forward. I think that the public debate has been plenty. I think there are a lot of things that have to be corrected in the code. I am comfortable with the process moving forward at this point. I just want a closing comment.

I know I reacted but I reacted because these are some key issues that I fought for and I felt that I was being portrayed in a different light. I will tell you I will come -- I am saying on the record, you aren't use to people speaking as much as Mr. Ferlo. Mr. O'Connor no one speaks as much as Mr. Ferlo and I am going to speak again. That's right, I am going to speak again. How do you like that? Now you know how we feel when you talk all the time.

Here is what we are going to talk about. I am going to come with a round of amendments with five legal opinions from attorneys out of Washington, DC, quoting the Fair Housing Act with most restrictive group home legislation and we are going to see who votes for it when I come through in six months. Thank you.

Mr. Cohen:

I think that we need a break.

The Chair:

I thought this would be a very easy meeting. Any more comments on zoning?

Mr. Udin:

Bill 575, Colleagues, you have in front of you an amendment from the Zoning Administrator. I don't know if this is a good time to bring him up or not, but this is the appropriate language that will provide the conditional use for the Manchester Youth Development Center Bill. So, I move the substitution of this amendment.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

The Chair:

No further discussion? Bills are ready for final action? All in favor of the passage of the bills vote aye when names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Hertzberg	Mr. Onorato
Mr. Udin	Mr. O'Connor
	(Pres't)

(Mr. Ferlo abstained on 21, Mr. Ricciardi voted no on 21.)

Bills have received the legally required number of votes and are passed finally.

MR. RICCIARDI PRESENTED:
Bill No. 699:

Report of the committee on Housing, Economic Development and Promotion for July 29, 1998 transmitting one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 681:

Resolution amending Resolution 502/1997, as amended, entitled, "Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1995 Community Development Block Grant Program" by deleting \$4,000.00 from Perry Athletic Association and adding \$4,000.00 to East North Side Action Committee. **(SPONSORED BY MR. ONORATO).**

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills? Bills are now ready for final action. All in favor of the passage of the bills vote aye when names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen Mr. Diven
Mr. Ferlo Mr. Hertzberg

Ms. McDonald Mr. Onorato
Mr. Ricciardi Mr. Udin
 Mr. O'Connor
 (Pres't)

AYES Nine NOES None

Bills have received the legally required number of votes and are passed finally.

MR. COHEN PRESENTED:

Bill No. 700:

Report of the committee on Lands, Buildings and Procurement for July 29, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 648:

Resolution providing for the leasing of facility and office space and parking area located in the former Commonwealth of Pennsylvania Police Barracks located on Washington Boulevard to the Pittsburgh Housing Authority for a term of five years at a rental rate of \$1.00 per year.

Which was read.

Also,

Bill No. 649:

Resolution providing for an extension of Lease Agreement with 564 Forbes Associates L.P. for space in the

Manor Building for a term of three years for an annual rate not to exceed \$63,000.

Which was read.

Also,

Bill No. 560:

Resolution authorizing and directing the City Controller to create a trust fund, to be designated as the Print Shop Trust Fund, for the deposit of monies from City departments for reimbursement for departmental copier costs and other payments for work performed by the Print Shop; and authorizing the use of monies deposited therein by the Department of General Services to cover Print Shop operational costs and departmental copier costs, including but not limited to: equipment rentals, copier supplies, paper, repairs, and other miscellaneous expenses.

Which was read.

Also,

Bill No. 561:

Resolution authorizing the Mayor and the Director of General Services to enter into a cooperation agreement or agreements with the County of Allegheny for the purpose of establishing a joint City/County print shop. Revenues and expenditures related to this cooperation agreement will be due to and payable from the Print Shop Trust Fund, Fund 8810, Organization 121000, Sub Class 600, Budget Year 1998.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills? Bills are ready for final action. All in favor of the passage of the bills vote aye when names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Diven	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

(Mr. Cohen, and Mr. Ferlo voted no on Bill No. 648)

Bills have received the legally required number of votes and are passed finally.

MR. DIVEN PRESENTED:

Bill No. 701:

Report of the committee on Public Safety Services for July 29, 1998, transmitting one ordinance and two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 651:

Resolution amending Resolution No. 83 of March 16, 1998 for demolition

and removal of condemned buildings and providing for the payment of the costs thereto, so as to decrease the authorized amount from \$500,000 to \$496,000.

Which was read.

Also,

Bill No. 655:

An Ordinance amending and supplementing the Pittsburgh Code, Title Six, Conduct, Article I Section 601.04, Unnecessary Noise and Sound Amplification Devices, by changing the threshold and penalties for violation. **(SPONSORED BY MR. ONORATO)**

Which was read.

Also,

Bill No. 656:

Resolution authorizing and directing the Chief of Police to purchase 14 additional A-weighted sound meters for adequate enforcement of the Unnecessary Noise and sound Amplifying Devices ordinance at a cost not to exceed \$15,000.00. **(SPONSORED BY MR. ONORATO)**

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

On Bill 651 did everyone get the amendment that the \$4,000 was deducted because of CDBG grants? I think that

whole percentage I think was one percent acrossed the board.

Mr. Udin:

Mr. President, I distributed to Council members but not to the clerks, the staff an amendment to Bill 655, prior to the enactment of this legislation the Director of Public Safety shall develop a comprehensive noise education program for the purpose of informing, educating and soliciting voluntary cooperation in noise reduction.

I think we ought to approach the youth of our city and the adults who play loud music, not in a hostile way but in a congenial way. First inform members of the public about the ordinance, about the noise, and the effect that noise has in disturbing other people. Educate them about what the particulars of this bill before it is actually effective. And also encouraging citizens to be good citizens and to cooperate, voluntarily cooperate, by lowering the noise level in the city. Those who refuse to do it then will be subject to the provisions of this ordinance, which is obviously going to pass.

But I think that that is a much more decent and civil way of approaching the public rather than just coming straight down with a hammer and first encouraging people to help make this city better and to improve the quality of life in the city.

We often talk to young people about wanting to keep young people here. I talked to young people, they complained that they're never really consulted, they are seen in a hostile kind of manner and they are never included. We want to make this place a place that is welcoming to young

people.

I would hope that this amendment would be seen as a way of making this bill a little less hostile and more inviting.

MR. UDIN moved to amend.

MS. MCDONALD seconded the motion.

The Chair:

Discussion on the amendment?

Mr. Hertzberg:

Just a friendly amendment to the amendment. Just to substitute for the word enactment, the effective date. I think that is what the sponsor --

Mr. Udin:

Accepted.

Mr. Onorato:

On the amendment, I talked with Mr. Udin when he passed these out this morning. I told him that I could not support the amendment as written. However, I could support some of the wording if certain things were removed such as at the beginning of the amendment prior to enactment of this legislation. If that was removed and then on the last sentence the word voluntary.

If the amendment read the Director of Public Safety shall develop a comprehensive noise education program for the purpose of informing, educating and soliciting cooperation noise reduction, I have no problem with that because I think in theory that that idea is not a bad

idea.

I do have a problem if we leave the other words in there because technically what could happen here is we are leaving it to the administration. The director that is, could drag his or her feet and this would not be put into place until this program is ever established, if and when it is ever established.

Two, I think the word voluntary is sort of confusing because this is a codification of 68 decibel versus 85 and therefore it is not voluntary, you have a level. There is an acceptable level and there is a level that is in violation.

If those two items were removed, I could go through the amendment, but as it is I would ask my colleagues not to support it because I think it could drastically change the legislation because of the discretion of the director at this point.

The Chair:

What was your date? You wanted 60 days.

Mr. Hertzberg:

Just a change from enacting to effective date, which is what the sponsor intended. I think it is just a typographical error. I think he's accepted that change. So it will read prior to the effective date of this legislation.

Mr. Udin:

If I could just clarify, my intention is that as long as the bill has an effective date, my intention is to require that the

Director of Public Safety conduct this information and education program prior to that effective date.

The effective date does not allow the administration to delay inserting it, and my language certainly doesn't allow them to delay it, it just says that prior to that date an information and education program will be conducted. Relative to the word voluntary it's confusing as to how we could object to people voluntarily turning down their music rather than having to be required to do so. That's all it is simply saying, soliciting voluntary cooperation and noise reduction. That's all.

The Chair:

My problem is will it take six months to set up a program?

Mr. Udin:

What is the effective date? It's not

—

The Chair:

As soon as the Mayor would sign it.

Mr. Onorato:

The effective, Mr. President, at last Wednesday's Committee Meeting talking with the chief came up that the effective date he asked sometime in October, October 1 or 15th. He said that's plenty of time then to buy the equipment and to also do any additional training that would be necessary for the officers.

So it is a two-month effective date. Which once again I apologize, I don't have

that in writing, but I will be more than happy to waive the rules and put that in there, October 1st which would give you two months before it is enacted.

Mr. Udin:

You only need a month for an education program. We can put it out on the cable TV channel, in public service announcements; it is no problem.

The Chair:

I would support those. I wouldn't want a person to say I didn't know, so therefore they are always off.

Mr. Ricciardi:

Yes, thank you. I appreciate the very hard work and diligent work Mr. Udin does on the City Council, especially when it comes to the Finance Committee. However, I am not going to support this amendment. Let me say why. It's common sense, it's common courtesy, it's etiquette. People know when they're disturbing their neighbors. People know when they're acting rudely in the City of Pittsburgh with their radios; it is just common sense.

The Director of Public Safety this is an additional responsibility and an additional burden. This is more work than we are asking the Director of Public Safety and their aides to do. This is more work in the community we're asking them to do. We know how busy we are.

I would rather see the Director of Public Safety spending their time and others spending their time on doing real police work here in the City of Pittsburgh.

I got numerous problems in my district and I don't want them tied up on something like this because it appears that it is straightforward.

There is a lot of work on developing a comprehensive noise education program for the purpose of informing educating and soliciting cooperation noise production. What do we have to educate people about? That their radio's are too loud?

Let me just say and I will just end with this, maybe it is really on the bill itself, but I just know that when Councilman Onorato proposed this bill, that weekend on a Saturday evening at two a.m. I looked out my window there were at least 20 individuals around the truck and the noise was just incredible. It was a block away; it was from their radio. I don't have to educate those individuals, those young people. I don't have to inform them that they are breaking the law. I don't have to solicit their voluntary cooperation.

I just need a police officer down there telling them you know you just screwed up, you got a \$150 ticket, you didn't pay your first fine, we are removing the truck. Colleagues, we are here to legislate, we are not here to teach manners. If a young person by the age of 20, 25, 30 is still disturbing the peace, 2:00 a.m. in the morning, it is a joke. I mean let's not look foolish in front of our taxpayers and residents in the City of Pittsburgh by passing this amendment.

We have a good bill that we are going to pass and I commend Mr. Onorato. I think we should move forward on that. The Director of Public Safety should be

doing other things than trying to teach common courtesy to our people, to our young people.

Mr. Diven:

I would like to apologize that was me I am sorry. I meant to turn my radio down.

No, I am just kidding. I would like to say -- I support the idea of doing a voluntary education program. I think if you look at speeding or you look at seatbelt laws, these are ordinances that are supposed to protect people and make people safer. We see national campaigns, which urge people to have more awareness to drive slower and to use their seatbelts.

I think it is an issue of fairness and we have to be in a position where people know that it is illegal and that they know that there is going to be a fine that is going to be levied on them. Because the last thing I would like to see our police officers do is walk up and have to issue someone a citation and then be in a position to say well we didn't know anything about this.

I think it makes it fairer for the people who are going to get the citations. I think it makes it easier for the police to enforce this with less argument and less confrontation. So I am going to support the amendment and I am going to support the legislation.

The Chair:

Just for the record what is the fine?
We lowered the fine.

Mr. Cohen:

Mr. President, last Wednesday we lowered it from \$300 to \$150 for the first offense and then \$300 for the second offense.

Just on that point, are we going to amend this legislation to have an effective date because I think if this amendment were to pass and I don't have any problem with it, we should at least have an effective date in the ordinance.

The Chair:

Do we have an effective date, October 1st or 15?

Mr. Onorato:

1st.

We will put that in the record afterward.

Mr. Hertzberg:

I think that's a good point about the enforcement question. I think that's why you take these kinds of educational efforts. I think it's with everything else the police have to do in all honestly, we know this will probably be not their highest priority.

So this is the kind of thing you try to do in conjunction with it, so that the police don't have to be tied up with this too much. Then hopefully with a lot of education and a few enforcement's people will get the message and it will be a much better effort and a much more productive piece of legislation.

You look at other things and the amount of money spent on education a classic example is littering. How much

money do we spend in public service announcements and trying to make people aware to try to be considerate? Try to think about what you are doing to your environment and everyone around you and others.

You know, I think we have actually had some psychological studies and things of that nature that say this is probably the best way to actually have an impact is through some of these educational efforts. So I am in full support of the amendment.

Ms. McDonald:

Yes. I am not clear. I am going to add comments for the entire bill. I believe everything is on the floor, amendments and the bill itself. I do support the amendment. I think it adds as Councilman Hertzberg says a balancing here that we do want to be able to encourage people that live in communities to understand courtesy.

I agree it is not our job to teach courtesy but when you have fines as such I think it again adds a balance. I mean \$150, \$300, I think you should give them the benefit of the doubt of being able to say well I tried to learn about it.

But I cannot support the bill; I would support the original bill, which means it wouldn't be on this table being discussed. I think we had a good bill. This does add teeth to it. I support the amendment because again I think it makes sense. The reason I don't support the changing of our existing ordinance is that I believe that the decibel level is low. It's too low. There is definitely a lack of existing training for use of our monitors, noise monitors, already as the Chief of

Police had said that they have not had as much training as necessary.

I think this is an indication of if we buy more, is there going to be anymore training? I don't think so. It's not a big priority.

The \$15,000 in which was the next bill, when I thought about -- at first I looked at it and said it is not that much money, but \$15,000 is a lot of money to existing organizations, community groups they would die for like a \$1,000, let alone \$15,000. So even though it seems small in lieu of the overall Public Safety Budget, it is still \$15,000. I believe what we need to do is work with the Chief of Police and insure that all the zones had been trained with a monitoring device. If there hasn't been, then there needs to be.

I wish that we could work with them to enforce what we have already in an ordinance. If there are problems, they need to enforce our existing noise ordinance. Again, the decibel level is too low.

I still believe that the fines are extremely stiff. I would say that I would accept amendments of the 75 foot away so that in other words if a police officer does not have a monitoring device that there is some type of teeth put into the existing legislation to allow them to cite people for excessive noise. I think that is it.

But again, I would like to just -- I don't like the lower decibel level. But I also do want to say that I don't have a lot of forbear against the movement to change the legislation to add teeth to it. I think you do want to protect the public from infringement upon their rights to some

type of tranquility, peace and quiet.

So, again, I am not hostile against the bill, it is just that I can't support it because of what I just said, too low of a decibel level. I know I would probably get cited.

The Chair:

Any other comments? So we are voting for the amendment right now. All in favor? Roll call vote.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Udin
	Mr. O'Connor
	(Pres't)

(Mr. Onorato and Mr. Ricciardi voted no)

The Chair:

I agree with the amendment. I didn't put my two cents in. I think the cable channel is a good idea even the high schools, not only that but bringing up other safety issues that they could wrap that around. We are also always looking for excuses or reasons for the police to talk to people, talk to the young people; this is a golden opportunity for them. The next two or three months to pull them over and say by the way did you know you won't be able to do this pretty soon and explain why. So it might even open the dialogue.

Mr. Onorato:

On the bill -- before I talk about the bill, a motion to waive the rules of Council just to submit an effective date. The wording will be section three of this legislation shall have an effective date of October 1, 1998.

MR. FERLO seconded the motion.

Which motion prevailed.

Mr. Onorato:

On the bill, colleagues, I appreciate your support on this. I just want to point out a few things. I look forward to the Chief of Police actually implementing this in Pittsburgh. One of the main criticisms that have been coming out is that no matter what we do it is just not enforceable.

I would just ask that the chief seriously look at New York City and Chicago where they have newly enacted noise ordinances and where they have been very aggressive in enforcing them. Just to give you some numbers, once again in New York in the first four months of enactment of the new law, citations were up 22 percent for the noise violations.

In Chicago where they used the 75 feet rule and they actually have the impounding of cars option after the second offense, 4,764 cars were impounded because of noise violations with multiple violations. So they have successfully enforced the noise ordinance. So anyone who thinks that it can't be done we have two major cities in America that are actually enforcing laws on the book.

As to the decibel level, I appreciate everyone's concern, but I assure you the

68-decibel is the exact same decibel that New York City is using. The 75 feet rule is the rule that Chicago is using. Even with some of the friendly amendments from last week for anyone listening, on the first offense, there is a \$150 fine. On the second offense there will be a \$300 fine. We did change the impounding policy but we will have the booting policy that if the second offense if you have ignored the first fine and you have the second fine out standing your car can also be booted until the fines are paid.

I think with the effective date of October 1st, that gives us plenty of time for the equipment to be purchased, for the chief to educate all the officers in the zones to the two scenarios one with the meter, one with the 75 feet rule and possibly use the COP officers or some of the community officers that go out to do out reach to address the amendment that just passed and provide some type of education and training to the youth out in the neighborhoods. But I am sure that no matter what happens someone is going to try to claim they didn't know about it. But as we know, that's not a legal excuse that will be held up in court. Not knowing of a law doesn't mean you get off. I am sure getting a \$150 fine will be an educational experience too that you won't forget.

So I look forward to the implementation of it. I hope this bill does not just get passed and the administration ignores it. My understanding is the administration is going to try to make this work. I believe that if the Chief does the proper training, we can be just as successful as other cities.

I will end by saying that this is just one piece of a bigger puzzle of the quality

of life issue that this Council has been addressing for years, be the problem properties, demolition issues, the aggressive pan handling, we can go on and on and on. But as a whole, I think it definitely helps our residential areas. I believe that it goes a long way in keeping people in the city that want to go home to a quiet area at night. Thank you, Mr. President.

Mr. Ferlo:

I wonder if the existing noise ordinance or is this more stringent noise ordinance, I would ask the Chief of Police that in reviewing the implementation of this ordinance and how it will be effectively enforced that he look at the issue in the broader context of any number of existing ordinances and laws that we have on the books. That somehow is something to do with the livability or the civility of our city and our neighborhoods.

I believe with Councilman Ricciardi, we can't necessarily teach civility, but we can enforce existing laws that would better provide for civility to exist. But we really should get a piece dividend. We have a lower, significantly lower, crime rate in the city of Pittsburgh and that has been experienced in any number of larger urban areas including Mayor Giuliani's policy in New York City. But there I think and elsewhere you see what has become characterized as a peace dividend being the fact that we still continue to have a fairly large and fairly expensive police force. Like the other larger urban areas.

But with the significant lower crime in a number of areas, it really means that the police bureau and even ourselves to some extent should rethink and refocus

on what our police energies are. Whether it is the creative enforcement of the noise ordinance, this one or the existing one, whether it is the other kinds of livability issues everything from dog pollution in our parks to littering. I can't remember a time a police officer has ever done surveillance of an illegal dumping area. Yet we know that they are constantly illegal dumping activities and very defined locales around the city. That is just one example where maybe we are rethinking what the policy should be.

We really still don't have effective COP operations. It is very disparate in terms of the effectiveness of the COP program it works better in some areas and a lot less better in some areas. It is a very uneven application of the effectiveness of the COP program.

So I would just ask that the Chief of Police rethink for the next several years what the protocol should be? What the police resources need to be to address a lot of the existing ordinances? Whether it is noise, the cleanliness of our parks, litter or illegal dumping, a whole host of things that have to do with making the neighborhoods more acceptable and more livable. So far I haven't seen that happening in terms of retooling and rethinking the better use of our police officers.

The Chair:

Some how I think Mr. Onorato has brought up a major issue and you are elaborating on the quality of life issue in the city. I know, Mr. Ricciardi, we had the open container law, it seems like the police were kind of hiding behind some of the gee I can't do anything. I think that has to

start changing. If they don't get the message from Council's vote on these issues, then we are supporting the neighborhoods and the people who are bending the rules and stretching the rules whether it be pan handling, I have it in Squirrel Hill they don't do anything.

We chase them from Oakland, from downtown to Oakland, now they are in Squirrel Hill. The local police officers if he stands in front of that person and makes sure they're not harassing people would make the quality of life a lot better. I think the police in this community starting with the chief and some of the commanders have to start to look at those jobs and don't always react to when there is something, an emergency they react great. But when there is no emergency, I don't think they are really going into the details.

When I have to call at five o'clock in the afternoon about kids throwing rocks in a park at little kids, where are the COP's? I don't even know if there is a COP program around. We did get one in Squirrel Hill, a bicycle cop. I think we have 12 of them now. We waited, how long did we wait, Mr. Onorato, for those bikes? It must have been a year.

So I think the quality of life issue if this thing does anything, it should send a message to our police that we are behind and we want them to do their job and we want the quality of life to get better here. Just like we talked about cleaning up the city, I am just tired of all of these all I get are calls on weeds all summer long. We are hiring all of these kids to go to work and all I get, my biggest calls are on weeds.

I think whether it be dogs running

loose or what, I think this should send a clear message to the police of this city that we are behind them. We want them to keep doing a good job and a better job and go after these issues. If kids are roller blading on Murray Avenue in front of a Post Office, with senior citizens trying to walk by, that is not acceptable.

The laws are there, I think a lot of the police, starting with the chief have to look at these things. I am tired, for two years I have been waiting for a drug bust in Hazelwood, two years. I am going to tear down the darn building just like you did. We are trying to do that that is going to solve the drug problem.

Mr. Ferlo:

What New York City has done is actually taken more police officers in the zones and put them into plainclothes as a way of actually going out and spotting and observing and dealing with crime pro actively. Rather than being in a uniform in a squad car waiting for a 911 response, that is what I would ask them to look at.

The Chair:

Exactly, but it's leadership. The leaders set the tone, and I think as an elected official in this city with this bill alone we are setting a tone of leadership by everyone supporting this and saying we aren't going to tolerate this. Get the police out there; I think they can do a better job. But I think it is going to take their leadership.

Ms. McDonald:

Again, I have already stated why I couldn't support this the spirit of it, yes.

But technically as far as the decibel level and the fine, no. But what I would like Council to be interested in is what we talked about last Wednesday at Standing Committee. Is that even though I think when the former Councilwoman Michelle Madoff had drafted this ordinance, and it was voted on, it was during the time that there was proliferation of vehicles that had quote unquote boom boxes or stereo amplification equipment that had never been seen before. I mean we were hearing sounds. I mean our porches were rocking and we never had them rock like that before.

So it addressed a situation at that time. Since then in doing just a cursory assessment in my neck of the woods, it doesn't seem to be nearly the problem that it was before. I rarely have people if I ever had anyone call to complain. Simply because vehicles I know in Council District 9 when they park, they are parked for a couple of minutes or so. They are not parked all day long with boom boxes blaring it really isn't a long time and I think that is an issue. The issue I have and I will state it again and again and again is stereo amplifications within residences. Because that comes on in the morning and that may stay on all day, all night, etc. To have your walls vibrating, your bed vibrating or you not even being able to hear TV because of what somebody next door or it could even be a few houses or a few units away from you. What type of decibel level that they choose to have in their homes. That is a real crux to me.

I have so many complaints from people in residences that complain. They don't even have any peace and quiet. All they can do is call and it is a nuisance. The police will come when they can

because it is not a high priority. No different than someone being parked in your driveway. It is not a high priority for them to come and say turn it down and for them to leave and for the people still to turn it on.

Now, what kind of quality of life is that when you can't even be in your own house, your own apartment, your own unit? Talk to me about quality of life, I have people complaining about that all the time. I do not have a lot of people complaining about car stereos. It is about them being inside of their own home and not being able to have peace.

So I would be very supportive of legislation that actually addresses that. If you want to enforce something, you go to people's home and you need to tell them turn that down. I don't care what kind of music they are playing; I know what kind of music I play. But I will not --

But I really wish that we would entertain legislation that addresses the quality of life issue within people's homes. We want people to live in Pittsburgh, well again that is another point of the quality of life in addition to car stereos.

The Chair:

I think Mr. Onorato made it very clear. I think this is a quality of life issue. But I am going to send a message to the drug enforcement agents that we have in this city. We are off for a month, but when we come back in September, I am not going to sit back and tell them they are investigating for two years, six months some of the things that we all know. We are going to take a much stronger stand publicly if they don't roll up their sleeves

and get their job done.

Mr. Hertzberg:

Thank you. I ask for my comments from the meeting to be brought forward from last Wednesday. Again, I renew my support for this particularly in Council District Number Two Grandview Avenue where we have received complaints on a regular basis. I think that this amendment to the existing code has a much better chance for success than what is on the books right now. It is a problem for the residents on Grandview Avenue.

I think it is a problem for the tourists on Grandview Avenue. Those are my primary concerns when it comes to Grandview Avenue. I am not concerned with the people in the summer that made their way from the parking lots of South Park to Grandview Avenue who go up there just to hang out and do whatever they are doing. That is not my big concern. If they want to continue to do that, I hope they do it with the volume of their stereos at a lower level.

I think this legislation will help us be able to finally do that and elsewhere in City Council District Two. I have had nothing but positive feed back on this legislation, nothing negative. The feedback has been extensive. I have heard from everywhere please vote for this piece of legislation which I was going to vote for before anyway.

(See Addendum for Comments)

The Chair:

Bills are now ready for final action. All in favor of the passage of the bills vote

aye when their names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Hertzberg	Mr. Onorato
Mr. Ricciardi	Mr. O'Connor

(Pres't)

(Mr. Ferlo, Ms. McDonald, and Mr. Udin voted no on 655, Ms. McDonald and Mr. Udin voted no on 656)

Bills have received the legally required number of votes and are passed finally.

The Chair:

Under motions and resolutions.

MOTIONS AND RESOLUTIONS

Mr. Ferlo:

I want to thank you and your staff and the other volunteers including the Steel Workers Representatives for organizing what I thought was a great delegation and trip excursion, if you want to call it that, to Virginia to look at one of the most modern and environmentally cogent Coke Works operations. Meeting high EPA standards and actually being a model plant in the eyes of the Environmental Protection agency.

I was extremely impressed with the facility having just stood a few feet from

the coke battery and the heat of some 2800 degrees Fahrenheit it was amazing the fact that you did not smell anything. For somebody for the last at least 30 some years that I have been around Pittsburgh who has lived and smelled the Coke Works in Clairton or even in the Hazelwood community. That had to be the most outstanding thing for the residents. You probably got a chance to speak to some of them on the way back on the bus. To me I was really astounded.

It was amazing the sense of environmental soundness that the plant and the 100 plus coke ovens that we fired up when we visited the facility. I think the only smell I even did smell in the 100 mile drive as I reached Vansant Virginia was the smell of wood burning stoves in the hillsides which is a very pleasant smell, like being on Conneaut Lake or something. It was amazing the amount of greenery, if you go to Duquesne or Clairton or even Hazelwood you see the hillsides are brown or burnt orange. You don't see the kind of life and the trees. But if you visited the Coke Plant that we saw it is amazing it looks like the rain forest all around the plant. It was an amazing spectacle.

I just hope and pray that if we can save the Pirates and save the Steelers and do Fifth Avenue retail and all the other great stuff we are doing around the city including hopefully keeping the Nabisco Plant open, that we put on that list of priorities a reinvigorated and a brand new Coke operation at the LTV site in Hazelwood. I hope residents there will participate in a meeting that you are working on later on in August, I think with the Health Department.

But I think it should move next to

the stage of formal financial feasibility. But I personally want to send a strong message to Sun Company and to LTV at least who would be one of the major buyers of the Coke product that it was an impressive trip. It seems as though you can have environment, clean environment, as well a Coke operation if you do it in a bigger and better, more appropriate way in the future. I think we can meet that challenge here in the City of Pittsburgh.

So I hope the Hazelwood residents will look seriously at this issue. I look forward to being at the meeting in August down in the neighborhood. But I for one, I am signed on. I was very impressed. I think it is a great operation. I don't know what the numbers are. I am sure it will be several hundred million dollars to build this facility. I don't know what kind of public participation, if any, would be sought.

I do have some concerns about how the plant would be laid out and some of which you addressed, Mr. President, to the group that met. But I just hope we can move forward. I know the Mayor remains committed and supportive. I just want to thank you for your leadership and coordinating and keeping this sort of speaking on the front burner.

The Chair:

I want to thank you for attending and all the people in Hazelwood and the many groups that attended our trip. I believe most people went down trying to be reasonable and they came back with the same observation you had. So it is much different. As I have tried to explain to the people especially Hazelwood and Greenfield, that it certainly isn't anything

near what we have had in the last ten years. I think that's a major issue that it will allow the community to start moving forward.

I spoke with the Mayor today we are still lobbying with Sun. I think Sun was very satisfied with our questions.

As you said we have asked for and I think we will have in a couple of weeks a sketch drawing of what this thing will look like, where would it be? Is it going to be tree lined? It can be. It can look like a shopping center from the outside from what we saw down there. So there is a lot of work to be done, but I think we are at least starting the process.

The Health Department will have a community meeting in Hazelwood, August 18th. We haven't set the time and place yet, the exact time. So, I think there is still a lot of ongoing work. It isn't a done deal for anyone with concerns. They will have plenty of time to voice their concerns. But I want to thank everybody for keeping an open mind and moving forward.

This will create about a \$400 million plant. We will have at least 1500 people working for two years building it. After that a little over 200 employees and these are jobs that are around \$50,000 a year. So those kinds of jobs are very welcome in this city. But as you stated, it can't be the old plant that the people had to live with for years. It has to be environmental friendly and clean air for the whole city, the region, the city and especially the neighbors in Hazelwood. I believe at least we are on the right track there.

Mr. Ferlo:

I think as we pointed out, at our meeting the plant that we saw, the major part of the plant was built roughly ten years ago. Even using that methodology and design, the plant that we would build today would even be more efficient and more environmentally sound than even what we visited in Virginia.

Secondly, the new plant here would have the potential of the production of electricity, which the City of Pittsburgh itself could be a major purchaser of. I think the residents were very clear that on the issue of job training, retention, job opportunity, how the plant is laid out, the issue of trees, how it interacts with the riverfront, most of them by the end of the session seemed to have a can do attitude with a bill in particular about how this needs to happen if in deed it does.

So, I hope that is the sense of how the tone of the August 18th meeting.

Mr. Diven:

Yes, sir. Colleagues, I am sure most of you are aware last Thursday there was an informational picket by the 911 operators out in front of the City County Building. I don't want to get into the middle of any collective bargaining agreement, but I would like to stress to the administration that I had a chance to talk to some of the members that were picketing out front. Some of the concerns that they brought forward were very sincere.

In the past I have supported the move to relocate the 911 center to Lexington Center, I have been supportive of the Chief getting a new vehicle. I would also like to stress the importance of

them being in a position to get what they perceive to be a fair contract. I know that they are, in talking with them, a number of the employees have not had a holiday off in years. They work extremely hard, they do a great job and they service the gatekeeper for all of our emergency services for the City of Pittsburgh. Their perception was that they didn't feel they were getting a fair shake from the City.

I know the city is in financial constraints and we are not able to give everybody what they want. But I think their feeling and the morale that has taken a downturn as a result of these contract negotiations can really impair the effectiveness of the new location out at Lexington Park. I would hope that the administration would be sympathetic. When they talk with the membership of the Union in negotiating this contract they can keep in mind the important work they do and help to make it a constructive relationship where the people that work in the 911 center are perceived to be a valued part of the city.

I think we have to stress that to those people who work in the 911 operations that their services are a valuable part of city government and it is the lynchpin for making us more effective in providing the emergency management services that we provide. I hope that the administration can keep that in mind in negotiating with that Union.

Mr. Ferlo:

Just as part of that discussion. I share Councilman Diven's concern. We have kind of lost track of the white-collar work force. We have five, to six hundred white-collar workers that don't have the

benefit, many of them, of a collective bargaining agreement let alone the Public Safety kinds of agreements. They continually lag behind.

I asked at the Budget Summit Meeting a few weeks ago that the administration consider at least a 2.5 or 3% cost of living at least retroactive to June 1 of this calendar year, budget year '98. We didn't raise that issue during the budget deliberation and I took a powder on it basically on an agreement that until the other Union contracts were negotiated we wouldn't raise the issue but they have all been concluded now. I don't think it is fair.

We continue to have the white-collar work force lag behind those who have the benefit of collective bargaining let alone binding arbitration like police and fire. It is very similar to what Councilman Diven is raising in the case of the 911 operators.

So I would reiterate my request publicly now that in addition to the concern on the 911 that we give consideration which at this point we would need the Mayor to take the leadership on but, you know, again it is just not fair.

We have white-collar engineers and data processors and folks who work in the budget office, the Controller's Office, City Council's own office, and others that have not had any kind of cost of living increase this year with pretty much everyone else on the workforce getting something either this year or next year.

So I think it is a bad inequity. It is unfair and I hope that maybe the administration would help address it and

get back to us. I think they are supposed to give us a response at the next Budget Summit Meeting, but I think they need to be fair and do something on that issue.

The Chair:

Any other discussion? One last note. I would like to invite everybody; we have myself, the Mayor and Councilwoman McDonald we share the neighborhood. Actually it is a regional park, in Frick Park in Braddock. We will have a grand opening Wednesday the fifth, from six to eight of hot dogs, pop, ice cream, some entertainment. Please bring all the kids and I think it will be a great time. It is an outstanding facility.

It is laid out in Frick Park with a lot of nature things there so it will be really environmental friendly. So it actually borders Wilkinsburg, Edgewood, Region Square. So I believe it will really be an asset to that whole region. Please bring your kids and we will have a great time.

Can I have approval of the minutes?

MS. MCDONALD moved to approve the minutes

MR. ONORATO seconded the motion.

Which motion prevailed.

MR. FERLO moved to adjourn the meeting

MR. ONORATO seconded the motion.

And on the motion made by Mr. Ferlo, the meeting adjourned.

ADDENDUM

Mr. Hertzberg's comments on Bill No. 655 can be found in the Standing Committee Meeting Minutes of July 29, 1998.

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED THIRTIETH COUNCIL

BOB O'CONNOR President
LINDA M. JOHNSON-WASLER City Clerk
JOHN R. MASCIO Deputy City Clerk

Pittsburgh, PA
Friday, August 28, 1998

PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Diven	Mr. Ricciardi
Mr. Hertzberg	Mr. O'Connor
Ms. McDonald	(Pres't)

ABSENT:

Mr. Ferlo	Mr. Udin
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The Chair:

Will you please stand for the pledge of allegiance and remain standing for a moment of silent prayer for peace and hope throughout the world.

I pledge allegiance to the flag of the United States of America and to the republic for which it stands one nation under God indivisible, with liberty and

justice for all.

The Chair:

Welcome back after our long two week summer break.

Mr. Udin is out of town today and actually he probably didn't take a break. He worked on the budget for the last few weeks. Mr. Ferlo is out of town with his family in New York. He again worked very hard for Nabisco so we certainly can easily excuse them from today's meeting. They will be back on Tuesday.

We have under presentations two to be read into the record.

PRESENTATIONS

MR. ONORATO PRESENTS:

No. 702 WHEREAS, On Friday, September 4, 1998, the family and friends of Percy and Odessa Howard will join them in celebration of their 50th wedding anniversary; and

WHEREAS, Percy Howard was born on July 25, 1928 in Pittsburgh, PA and Odessa Johnson Howard was born on April 15, 1929 in Pittsburgh, PA. The two were joined together in Holy Matrimony on September 4, 1948; and

WHEREAS, the two were born in the Hill District and moved to the Northside in 1962, and have resided in the

Northside community for over 36 years; and

WHEREAS, to this union 3 children were born, along with 10 grandchildren; and

WHEREAS, this couple has always been known as hardworking. Percy retired with over 25 years with the Pittsburgh Public School District, and his loyal wife Odessa retired after 20 years with Pittsburgh Housing Court; and

WHEREAS, "What God hath joined together, let no man put asunder."

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby congratulate Percy and Odessa Howard on the celebration of this, their 50th wedding anniversary, on the 4th day of September, 1998.

MR. O'CONNOR PRESENTS:

No. 703 WHEREAS, James Joseph Pegher, a lifelong resident of Greenfield, was born on April 17, 1926 to Anthony and Elizabeth on Hazelwood Avenue in Greenfield, was a graduate of Saint Rosalia's Grade School, Central Catholic High School, and served in the Armor Corps. of General George Patton's Third Army in World War II, and;

WHEREAS, James worked on construction of the first Greater Pittsburgh Airport before joining U.S. Steel as a machinist and later as a foreman and is currently enjoying his retirement, and;

WHEREAS, James was involved in many activities in his neighborhood of

Greenfield, including the Greenfield Organization, the Greenfield glide, and the annual July 4th celebration at Magee Field, and has been a member of the Soldiers and Sailors Club, for over 30 years, serving in various positions, including terms as Commander, and;

WHEREAS, Sarah Catherine Strong was born on July 12, 1928 to Alexander C. Strong and Julia Carroll Strong, was raised in the Garfield section of the City of Pittsburgh, graduated from Fort Pitt Elementary School and Peabody High School, and worked as a telephone operator with Bell Atlantic, and;

WHEREAS, the lives of these two individuals changed when James and Sarah met at a party following World War II, at which point they fell in love and got married on September 11, 1948 at Saint Philomena's Church in Squirrel Hill, and;

WHEREAS, James and Sarah have been married for 50 years and raised eight children, Jim, Peggy, Sally, Tom, Terry, Eileen, Chuck, and Joe, in Greenfield, and are celebrating their 50th Wedding Anniversary on September 11, 1998 with their family,

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does recognize James and Sarah Pegher on the occasion of their 50th Wedding Anniversary and does honor them for their commitment to the preservation of the sacred institution of marriage,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Friday, September 11,

1998 to be "James and Sarah Pegher Day" in the City of Pittsburgh.

MR. COHEN moved to adopt the resolutions.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

No presentation of papers. Any unfinished business to come in front of Council? Hearing none, under Committee Chair Reports. We will start next week and I do have a schedule of your reports through September and October. We won't have any reports November and December because of the budget hearings. I think we will be discussing our departments very thoroughly then.

There are no reports of committee.

Under motions and resolutions we have one from Mr. Onorato.

MOTIONS AND RESOLUTIONS

Mr. Onorato:

I have a resolution here just to give Fineview Citizens Federation a non-profit group the right to have the games of chance. My understanding is we have to do this officially. We have done it before and it is just a standard resolution.

MR. ONORATO PRESENTED:

No. 704 WHEREAS, the Fineview Citizens Council, Inc. is an independent, not-for-profit organization; and

WHEREAS, the Fineview Citizens Council, Inc. has been incorporated in the Commonwealth of Pennsylvania since April 5, 1983 as a nonprofit corporation; and

WHEREAS, the Fineview Citizens Council, Inc. desires to operate certain small games of chance and/or conduct raffles to generate funds to finance its operations and further its purpose.

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby recognizes and declares the Fineview Citizens Council, Inc. to be a Civic and/or Service organization within the context of the Pennsylvania Small Games of Chance Act.

MR. COHEN moved to approve the resolution.

MR. HERTZBERG seconded the motion.

The Chair:

I would like to announce that Monday, this coming Monday, will be the fill the boot tag day for the firefighters. The firefighters will be out collecting for Muscular Dystrophy. Their goal this year is \$50,000. So, I hope we can all come out and support that.

I just received a nice letter from the 18th National Veterans Wheel Chair Games. I attended quite a few of the events and they were really overwhelmed with the hospitality in our city. I think it was a great event.

Next on the agenda, I have in front

of you a letter from the Allegheny County. I will briefly read some of this. It is very important legislation concerning our new County Council.

The purpose of this letter is to inform you the Apportionment Commission which will set the boundaries for the 13 County Council districts under the county's Home Rule Charter, will soon be appointed by the County Commissioners. Act 12 of 1997, which establishes the apportionment Commission also, requires an Apportionment Advisory Commission be created.

Now, do you follow me? After they have their commission then we are going to have an Advisory Commission to them if they can chose those five. The Advisory Commission will be made up of one representative from each of the eight council of government. Three representatives from the City of Pittsburgh and one representative will represent all of the municipalities within the county that are not members of the COG. The advisory commission consists of 12 members.

Now, we have the appointments of three members. What I would like to suggest is that we divide ourselves into three groups, districts 9, 8, and 5, would be one. The second would be districts 1, 6, and 7, and the third would be districts 2, 3, and 4. They are spread out east, north, and southwest. So I would like to kind of get a representative from each side of the river. So that our three council groups we would choose one from among those three. Is that acceptable?

Mr. Ricciardi:

I missed your last statement, Mr.

O'Connor.

The Chair:

Our goal would be to try to have three representatives. We have three appointments, to have one on each side of the river. Southwest, north and east so that the three council districts that represent there would choose one member from their three council districts.

Mr. Ricciardi:

So just as a follow up, Mr. President, so you're asking for example south and south West of the rivers then Mr. Diven, Mr. Hertzberg and I get together and nominate and submit one name to you, correct? That's acceptable.

The Chair:

You and I and Val would choose one.

Mr. Cohen:

That's a good plan. I look forward to sitting down with Councilwoman McDonald and yourself and I think it would give us an opportunity to show that we can actually officially select people for an Apportionment Commission. What's been happening on the other side of the street has really been pathetic, in my perspective.

Mr. Onorato:

I can guarantee you that Councilman Ferlo, Mr. Udin and Onorato can even come to a decision on a name. If we can do it, anyone can do it.

The Chair:

I would really like those by -- They are not due until October 1, but I would like to have the names and recommendations by September 15th and as Mr. Cohen said let's show them that we can really perversely get to work and find those members.

With those nominees, we would like to have resumes.

Anything else under motions and resolutions? Anything exciting happening in your districts that you might want to tell us about? I know we had a big park opening in Braddock and Forbes Avenue.

Mr. Cohen:

We had two very successful Shady Side Art Festivals, Mr. President, I am happy to report. And on that issue we are going to be having a community meeting relatively soon for the entire Shady Side community to participate in deciding what to do next year. There are actually people who were pleased with having two art festivals the same weekend. They felt that they kind of worked together fairly well. There are others who were not pleased with it because of the traffic and parking problems.

So we are going to address that early this fall as opposed to next spring when it is too late and decide whether to do it the same way next year or to have single art festivals on different weekends.

The Chair:

I attended. I thought they were very exciting and well run and you had room to move around. A lot of the people

I spoke to at least were involved with it were actually very pleased, pleasantly pleased.

Ms. McDonald:

Well you asked me to have the floor. I want to commend you, President O'Connor, for your efforts in helping to celebrate the Frick Park Grand Opening. Even though it was not mentioned at the opening about Councilman O'Connor's involvement, it was he who insured that we had food available for everyone from Bruster's Ice Cream, hot dogs, Italian ice, it was a very festive occasion. The face painting, he made sure that all of that was provided.

I want to thank you for that. My kids had a ball. I had to find them after that to drag them out of there. They normally don't go to play grounds because they are older, but my one son, he had a great time. So thank you for that.

Also some items that are coming up that had surfaced. The census is not something to be taken lightly particularly in the City of Pittsburgh. Particularly in poverty, disadvantaged, African American areas, simply because if we do not have our numbers count, if we do not take an accurate count, it impacts upon eventually the federal funding, state funding and etceteras. So if we do not come forward and participate fully in the census we will be at a disadvantage especially here in the City of Pittsburgh because we are an urban area and we have to make ourselves known.

So I will be very much involved with that. I found out about this through State Representative Bill Robinson. He

had a breakfast that was well attended. It was extremely informative. I will be discussing with him today how we can work together to make sure that we do count in the upcoming census.

I believe that's it. There are other issues on the table but I will wait for other weeks to discuss them.

The Chair:

On the park opening, I want to thank the people of the Region Square area. It is a small community that really isn't active. It doesn't have organizations maybe one small one. So it really shows when you go into a community and ask for help, the churches there, the neighbors really pitched in and did a great job.

Mr. Onorato:

Just as a spread -- as a follow up I think everyone has received and if you don't know this it is in your office. The Director of Planning has sent over a map and a copy of the new Zoning Code like she said she would. We all have a copy. I think the Clerk's Office should have one. You have one too.

If the public is listening, just because of the cost involved if anyone absolutely needs a copy I would ask them to deal with the Planning Department. But they should know that anyone of our offices are available. You can review the documents in our offices or in the clerks office. So there are ways to review it and we are putting together the Review Committee, the legislation to review the code for the first six months and then the six months after it is implemented to see if there are any necessary changes.

I sent some memos around to some of my colleagues. Some have responded. But we will be meeting hopefully within a two to three week period. The committee will be a small committee but it will be represented by members of Council, the realtors, community groups, and individuals that practice in front of the Zoning Board and Planning Commission.

It is a well balanced committee and I am sure in about six months and twelve months we will have a round of amendments to clean up any problems that none of us anticipated throughout the first year of the code.

Mr. Cohen:

On that issue I want to thank Councilman Onorato for his leadership on this and all of Council. I wanted just to tell you a little funny story. We had a call a couple of days ago pertaining to the Zoning Code. A woman who called us and said there is a record store going up in the middle of a Squirrel Hill residential neighborhood right acrossed from the Squirrel Hill Rehabilitation Institute. She said if this is what the new Zoning Code allows, then there is no way I am going to be for it. I mean a commercial store right in the middle of a residential section.

We looked into it and it turns out it is for the filming of the Temptations movie that they converted a house. So it is at least good to know that we have residents out there who are enforcing the Zoning Code by watching what is going on in their neighborhoods.

Mr. Ricciardi:

Yes. Thank you. Mr. O'Connor, I

am looking forward to working with all the colleagues and the administration regarding looking at this year's budget very closely and a possible 5% reduction on non-personnel items. But I want to make it very clear that I believe that the Police Civilian Review Board should also be very aware of the financial constraints that we are going through and we are witnessing and experiencing to date.

I read yesterday's article in one of our local papers and found some of the remarks by the Director of the Police Civilian Review Board very disturbing. One of the remarks I found very disturbing was that the Civilian Review Board says they cannot afford the \$10 fee request for police reports.

Well I find that very interesting because the Executive Director was able to spend \$4,000 to furnish her office. \$4,000 for a desk and credenza, but they are not willing to pay the City of Pittsburgh \$10 in order to pay for police reports. I find it also very disturbing that the Executive Director of the Police Civilian Review Board is not following the purchasing policies of the City of Pittsburgh.

As my colleagues know I am very interested and I follow the invoices before us very closely, and those items for less than \$1,000. When the City employees go outside of that policy and do not use existing contracts, which should be used because that's where we are getting the best purchasing for our dollars I find that very upsetting.

It is very interesting now that there is nearly a \$15,000 item sitting in the Controller's Office for the purchasing of computers for the Civilian Review Board

and the administration and the Controller's Office has no idea on how it should be paid for. The reason for that is that the computers were needed for the Police Civilian Review Board. All the right information, all the information that was needed was sent from the General Services to the Executive Director showing which contracts are in place to purchase computers. That means contracts were put out for bid. That means that the city taxpayers receive a good price for those commodities. But for some reason the Civilian Review Board decided to go to a store on their own, I believe Comp USA and purchase those computers. That means they didn't get a good price. Why did they do that?

Well, I am finding all of these facts very interesting and very disturbing. I am going to ask our City Clerk and I thank her for all of her work, Linda Johnson-Wasler, on my behalf to ask for all of the expenditures put forward thus far by the Civilian Review Board. All the expenditures including furnishings of all offices. I would like to know an explanation why the contracts that were in place for computers that were forwarded from the Department of General Services to the Civilian Review Board were not utilized? And why they went outside of those contracts?

I would like to know from the administration on how they are going to pay that \$13,000. We know what the Wallace Act encompasses. I hope they don't try to put that expenditure through this body, this legislative body, by using the Wallace Act. It is not going to work. I am going to fight it at this table. So, they should just send those computers back and use it the right way.

Let me say, just speaking for myself, since 1990 I have ordered possibly four maybe five chairs. I have utilized furniture that was already here. I have utilized through the warehouse and the Civilian Review Board they really have a mission to help those that maybe cannot afford their attorneys or representation but they should also realize the importance of dollars. They don't need to spend upwards of \$4,000 for a desk. I find that just very disturbing. I find it disturbing because they say they can't pay the taxpayer \$10 for police reports. Something is wrong with that picture. I would like a complete review and I thank Linda Johnson-Wasler for that work.

The Chair:

Thank you. Anything else under motions and resolutions? Hearing none. I would like a motion to approve the minutes.

MR. COHEN moved to approve the minutes.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Motion to excuse the absent members.

MR. COHEN moved to excuse the absent members.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. HERTZBERG moved to adjourn the meeting.

MS. MCDONALD seconded the motion.

And on the motion made by Mr. Hertzberg, the meeting adjourned.

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED THIRTHIETH COUNCIL

BOB O'CONNOR..... President
LINDA M. JOHNSON-WASLER.... City Clerk
JOHN R. MASCIO..... Deputy City Clerk

Pittsburgh, PA
Tuesday, September 1, 1998

PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Diven	Mr. Ricciardi
Mr. Ferlo	Mr. Udin
Mr. Hertzberg	Mr. O'Connor
Ms. McDonald	(Pres't)

The Chair:

Will you please stand for the pledge of allegiance and remain standing for a moment of silent prayer for peace and hope throughout the world.

Today we have Ashley and Sean Sanns who will be doing the pledge with us. Ashley is 12 years old. She is in the eighth grade at Chartiers Valley Middle School. Sean is nine years old and in the fourth grade at Chartiers Valley Middle

School. They are accompanied by their parents Becky and Frank. They are in Councilman Alan Hertzberg's District.

Ashley and Sean Sanns:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all.

The Chair:

Thank you, Ashley and Sean. We have a flag of our city and our country for you.

We have some special proclamations but I want to recognize we have our District Attorney Stephen Zapalla in the audience. Where is he?

PRESENTATIONS

Mr. Diven:

At this time I would like to call up Mr. Terry O'Leary and his family, Mr. Stephen Zapalla our District Attorney.

First of all, I would like to say it is a great pleasure and it is an honor for me to bring Mr. O'Leary in front of Council and recognize him for his years of dedicated service. I grew up calling him Uncle Terry. He was very helpful in my life and he's been a guy who if you needed to get an answer or some advice has

always been there for me personally.

I think the City of Pittsburgh is going to be at a great loss with his absence from the Bureau. Not only has he mastered an incredible track record of solving cases for our Detectives Bureau, but he has also been the leader not only through example but also as serving as President for the Emerald Society. He's been an approachable guy that a lot of the younger members of our police force have been able to talk with and get guidance from to make sure that they develop into the same kind of quality officers that Mr. O'Leary is.

So with that, I would like to read the proclamation.

MR. DIVEN PRESENTS:

No. 705 WHEREAS, Terrence P. O'Leary's distinguished career as a Pittsburgh Police Officer spans 33 years; 5 in uniform, 14 as a narcotics detective and 14 as a homicide detective and,

WHEREAS, Terry has investigated more than 700 homicides in the last 14 years and,

WHEREAS, from 1988 through 1991, Terry was an important part of a squad that solved all but 8 of the 120 homicides in the City of Pittsburgh and,

WHEREAS, Terry is known for his sense of humor, his courage, his fierce determination to "solve them all", and his unique ability to communicate with people on the street and,

WHEREAS, Terry recently retired from the Pittsburgh Police Force and has

accepted a position as a law enforcement liaison with the Allegheny County District Attorney's office where he will use his invaluable experience to assist in enhancing their efforts to expedite the handling of homicide cases.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Terrence P. O'Leary for his many years of dedicated service to the safety of the citizens of Pittsburgh and extends their wishes for the best of luck in his future endeavors.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Tuesday, September 1, 1998, "Terry O'Leary Day" in the City of Pittsburgh.

MR. ONORATO moved to adopt the resolution.

MR. FERLO seconded the motion.

Which motion prevailed.

Mr. Diven:

Before I ask Mr. O'Leary to come up to speak I would like to introduce the District Attorney and ask him to say some words about taking one of our best guys over to his department and what it's like to work with him.

Mr. Zapalla:

Mr. President, good morning ladies and gentlemen of Council and ladies and gentlemen. Terry, it only took 33 years to get recognized as Terry O'Leary Day in the City of Pittsburgh.

Ladies and gentlemen, he is by any standard an excellent law enforcement officer and one of the finest in the city. I am very pleased that he is going to be working with my office. So, he's still a member of the law enforcement community generally here in Allegheny County. Unfortunately, the city does not have exclusive rights to him any more he's mine.

I can tell you one person who was thrilled actually, it was Ed Borkowski (phonetic) my deputy in charge of homicide. Eddie is someone really well known to Jimmy Ferlo. He is from that section of the city. But Eddie and I had several conversations about this and in all sincerity we couldn't have picked a better man.

Terry, we are very pleased to have you on board. The recognition by City Council is quite an accomplishment. Thank you.

Mr. Diven:

With that I would like to call up Mr. O'Leary to say a few words.

Mr. O'Leary:

Thanks. I have very briefly -- words can't describe the feeling I have right now. That 33 years I spent with the city was like a magic carpet ride for me. I enjoyed it all. I worked with some of the finest police officers in the country, in my opinion, they're sitting right here. That one thing in here from 1988 to 1991 Chief Mullins (phonetic) was a lieutenant then and had a lot of input into that record. My other friends they're sitting here, I can't say enough about them. But I would like

to introduce the three most important people in my life. My wife who should be getting an award for putting up with me for 34 years. My son TJ O'Leary who is going to make me a grandfather this week. And my daughter Christine Marie and my mother-in-law, Mrs. Joy Calk (phonetic) from Oakland.

As I look around the room, I would be remiss if I didn't mention these guys. There are some young guys that the reason I could leave and go with Mr. Zapalla who made it a lot easier for me to leave the city. Guys like Tom Foley, Dale Canafari (phonetic), Rich McDonald and one of my best friends and one of the best interviewers and interrogators I ever met in my life, Dennis Logan and my partner Jim Fazio. These guys are the nucleus of an excellent homicide squad. Commander John McMann and other friends Sargent Andrews.

Now you guys have the nucleus. Mr. Ferlo said before when he talked to me he said he worries about the police force with all the older guys leaving. Don't worry about it, that nucleus is there. Sargent Maroway (phonetic), you guys have an excellent squad and an excellent police force and they just need to be given a chance that's all.

Again thank you. It was a great ride for me and this is the icing on the cake. Thanks again.

The Chair:

Mr. O'Leary I just want to make sure if the media prints anything let the bad guys know you're not leaving us all together. You are going to a great DA's Office to keep fighting crime. Thanks for

all your help.

Mr. Ferlo:

The Labor Council and the other delegates please come forward. Council President O'Connor has asked me to read the proclamation on behalf of all of our colleagues on City Council who this year and each and every year are honored to co-sponsor a joint resolution highlighting the contributions of the American Labor Movement and most notably the contributions of the Pittsburgh Labor Movement.

So without any further ado. On behalf of all of our colleagues and President O'Connor.

MR. FERLO AND ALL MEMBERS OF COUNCIL PRESENT:

No. 706 WHEREAS, the American Labor Movement began over two hundred years ago and has sought to improve the conditions for all working Americans and, in doing so, has contributed to the greatness of the United States of America; and,

WHEREAS, the American labor movement, throughout its history, has been dedicated to securing a fair wages and benefits, and decent, safe working conditions for the American worker ~ and in doing so ~ has improved the quality of life for all Americans, and has enriched the American principals of fairness and the democratic process; and,

WHEREAS, the first Labor Day observance took place over a century ago and was established as a legal, public holiday in 1884; and,

WHEREAS, the United Labor Day Parade Committee will proudly celebrate Pittsburgh's rich and historic organized labor legacy ~ and ~ demonstrate their commitment to the furtherance of the goals of organized labor with a procession through the Golden Triangle under the themes of "Union City ~ Organizing The Unorganized ~ America Works Best When We Say...Union Yes!" marking the 111th Anniversary of Pittsburgh's first Labor Day Parade of 1887.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby extends its best wishes and congratulations to organized labor and welcomes Jack Shea, President, and Joseph Zunic Treasurer, of the Allegheny County Labor Council, the United Labor Day Parade Committee members, Tom Sweeney, Rich O'Malley, Geno Mazza, Patrick Landy and Pete Lackey, as well as all labor leaders and working American people to the City of Pittsburgh to observe and participate in the United Labor Day Parade on September 7, 1998.

BE IT FURTHER RESOLVED, the Council of the City of Pittsburgh, in honor of all working men and women and the American Organized Labor movement, does hereby declare Monday, September 7th, 1998, to be the "UNITED LABOR DAY PARADE DAY", in the City of Pittsburgh!

MR. UDIN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Ferlo:

Thank you, Mr. President. I am sure my colleagues will have a few comments. Without further ado it is my honor and privilege to introduce someone who is not new to the labor movement certainly, many decades of struggle within his own respective union but now I guess the new President Labor Council, new relative to the multi decade leadership of Mr. Stackhouse. So he's new in that respect, Jack Shea.

Mr. Shea:

First as we all know this is the first year for many many, many, many years that President Stackhouse has not been with us. It hit the tradition that President Stackhouse has had. We are going to carry it on to the future. But there will be some significant difference.

I want to thank -- First of all I want to accept this on behalf of all the officers and delegates of the Allegheny County Labor Council. I want to thank the County Council for sending it forward. I also would like to say to you that we worked with you in the past; we want to work with you in the future. We have had a problem just recently with the Nabisco thing and all of us have been involved in that. We are doing everything we can to try and save that plant but it certainly looks discouraging.

But we also have an opportunity to create some jobs in the City of Pittsburgh. Which I don't think we did for a long, long time especially in the manufacturing area. That's the Sun Oil thing and the old LTV site. We are certainly supporting that. We are going to ask you to support it.

With that I am going to turn it over anyone who would like to go say a word or two from the committee.

The Chair:

How about information about the parade.

Mr. Shea:

Actually as you all know the parade will be on Labor Day. It will start at ten o'clock. It will march through the streets of Pittsburgh. This is the second largest Labor Day Parade in the country. Closely gaining on the first. I can't even tell you who that is. I think it is a fallacy. I really believe we are the largest. We are the first, but we are the largest in the country. Someone else is counting.

But really everyone is invited from Council. It would be a pleasure to have you there. We march approximately 50 to 60 thousand people with an additional 50 to 60,000 people standing by watching the parade. I believe it is the largest Parade in Pittsburgh, and it's continued to grow throughout the years.

Once again, all of City Council is certainly welcomed to be our guest there and we look forward to seeing you there. Thank you.

Mr. Hertzberg:

Tom Grealish, Executive Director, of the Mario Lemieux Foundation. As he is coming forward before I talk about this resolution, Tom is a resident of City Council District 2 on Grandview Avenue. He is also the part owner of Henderson Brothers Insurance. If you are following

some of the recent events in downtown development, you will see that he consolidated his Bethel Park Branch and his Downtown Branch and he is moving it all to downtown Pittsburgh on Fort Duquesne Boulevard.

So not only are we going to commend him for that, but now we are going to tell you a little bit about the work he's done with the Mario Lemieux Foundation.

MR. HERTZBERG PRESENTS:

No. 707 WHEREAS, Mario Lemieux was selected as the first overall draft choice in 1984 in the National Hockey League by the Pittsburgh, Penguins; and

WHEREAS, Mario Lemieux's accomplishments as a professional hockey player for the Pittsburgh Penguins from 1984 through 1997 are well known; and

WHEREAS, during the middle of the hockey season in 1993, Mario Lemieux was diagnosed with Hodgkin's disease, received radiation treatments, overcame the illness, and then returned to play for the Penguins and won the NHL Scoring title and was named the League's most valuable player; and

WHEREAS, to help others not as fortunate as himself, in 1993 Mario Lemieux created the " Mario Lemieux Foundation "; and

WHEREAS, the Mario Lemieux Foundation has received charitable contributions and awarded grants for cancer research, victims of the Oklahoma

City tragedy and Neonatology and Developmental Biology Research; and

WHEREAS, the annual Toyota Mario Lemieux Celebrity golf tournament is the major fundraiser for the Foundation; and

WHEREAS, under the direction of Foundation Executive Director Tom Grealish, this year's Celebrity golf tournament, held from June 25, to June 28, 1998 at Nevillewood Country Club, was a terrific success;

THEREFORE, be it resolved that the Council of the City of Pittsburgh congratulates the Mario Lemieux Foundation for another successful Celebrity golf tournament and promoting cancer research and other charitable causes.

MR. FERLO moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

Mr. Hertzberg:

I would have gotten Tom here sooner, but I was out of town during the celebrity golf outing. Even being out of town, I kept hearing about it and how successful it was.

Tom, would you give us a few words?

Mr. Grealish:

A presentation I would like to make on behalf of Mario to the foundation

is a copy of his book the Final Period with a letter in here best wishes to my friends at City Council. Please accept the enclosed as a token of my appreciation and it is a signed copy of his book. I guess you can share it, read it one at time, it can go in a common area.

We had a lot of fun doing the golf tournament but we never lost sight of what we were doing and that is to raise money for cancer and other medical research here in Pittsburgh. That's been one of Mario's primary goals is to keep the money here in Pittsburgh at the world class medical treatment facilities that we have in Pittsburgh.

Thank you for the honor. We are going to continue our fight and continue to raise money until we beat cancer and other diseases. We thank you for your support and thank you for the honor on behalf of Mario and the Board of Directors of the Lemieux Foundation. Thank you.

The Chair:

Mr. Edwards, will the two Mr. Edwards please come up?

In my seven years as Councilman we have honored a lot of people and from all walks of life. I don't think I have met a better person and a better organization than the McCune Foundation for what they have done for the City of Pittsburgh and region. In my own personal experience with the board at Saint Francis Hospital maybe seven, eight years ago they made a grant of \$400,000 to Saint Francis to help drug and alcohol victims in the city. On AIDS they were very active which I am a board member. And just lately our new Grieving Children Center

we just opened in Hornes, the old Hornes building, they were very instrumental in helping to raise funds to open that and that serves Western Pennsylvania.

A lot of people may not have heard of them because they do it very discretely and very quietly and that's part of their mission. They need our help and I am very honored to have them both here. I will read the proclamation and let them say a few words.

MR. O'CONNOR, MR. DIVEN, MR. COHEN, MR. HERTZBERG, MS. MCDONALD, MR. ONORATO, AND MR. RICCIARDI PRESENT:

No. 708 WHEREAS, the McCune Foundation, a charitable trust established by the estate of Charles L. McCune in 1979, and operated by a Distribution Committee composed of Richard D. Edwards, resident of Pittsburgh, James M. Edwards, his son, resident of Pittsburgh, and John R. McCune VI, his nephew, resident of Oklahoma City, Oklahoma, finds itself in a governance dispute with National City Trust Company, headquartered in Cleveland, Ohio; and,

WHEREAS, the McCune Foundation has chosen, during its eighteen year history, to make over 90% of its grants, or \$180 Million of its grants to non-profit organizations and projects here in the City of Pittsburgh, Allegheny County, and the counties that surround it; and,

WHEREAS, the McCune Foundation is well known to make grants for education, health-care, social services, community and economic development projects, and cultural institutions, across

the broad spectrums of religious affiliation, including Presbyterian, Catholic, Lutheran, Methodist, Unitarian, Episcopalian, and Jewish organizations; and has made grants to some of Western Pennsylvania's oldest and best capitalized charitable institutions, as well as some of its newest and fragile causes, for programs addressing problems and needs of neonatal, infants, children, teens, families, frail elderly, and cemeteries in neighborhoods of Pittsburgh as varied as West End, North Side, Manchester, Downtown, South Side, East Liberty, Homewood-Brushton, Park Place, South Oakland, Hill District, Lawrenceville, Garfield, and more; and,

WHEREAS, the McCune Foundation is the third largest such private foundation located in the city, behind the R. K. Mellon Foundation and Heinz Endowments; and,

WHEREAS, as a matter of policy, and in perpetuation of a family ethic, McCune Foundation requests strict anonymity of its recipients on the source of the grants; and,

WHEREAS, National City Trust Company, N.A., acts as sole trustee over the assets of McCune Foundation, over \$600 Million ~ \$150 Million of which is corporate stock of its parent, National City Corporation, headquartered in Cleveland, Ohio; and,

WHEREAS, the Will provides for, and an Allegheny County Orphan's Court judge has affirmed, a vacancy for a family member in the office of co-trustee with the Bank of the McCune Foundation

WHEREAS, all of Pittsburgh's private family foundations ~ R. K. Mellon Foundation, Heinz Endowments, Benedum Foundation, and Hunt Foundations ~ are well known to have family members involved in their financial and grant making governance; and,

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh requests that National City Trust Company, N.A., accept the nominee of the Distribution Committee of the McCune Foundation as a co-trustee in the financial governance of the foundation, and that this acceptance will fulfill the original design of the Will of Charles McCune, will enable the mission of the foundation to be executed by and through the management of the assets of the foundation, in addition to the grantmaking program, will alleviate the conflict of interest present in National City's sole governance of the stock portfolio, be a demonstration by National City that it is sensitive to the Pittsburgh community, its families, its charities, its needs, its problems, and its great opportunities and capabilities.

MR. ONORATO moved to adopt the resolution.

MS. MCDONALD seconded the motion.

Which motion prevailed.

Mr. Edwards:

Thank you. Thank you very much, President O'Connor and members of the City Council, for any help you may give us in what we are trying to do. It's the City of Pittsburgh that we hold first in our thoughts and in our work. We want very

much to keep it that way and keep the family involved. Thank you all.

Mr. Edwards:

Thank you, Councilmen and Councilwoman. On behalf of the McCune Foundation, it's grant recipients, and the constituents of the institutions and programs that we fund and on behalf of my cousin Rob who is in Oklahoma City, I would like to thank you for this resolution in helping us do what we are trying to do. Cities are about people helping people. We help Pittsburgh's agencies anonymously, now you have helped us a lot. Thank you very much.

Mr. Ferlo:

Just on the previous proclamation, I don't understand fully what the current legal situation is. I don't want to spark a lengthy discussion here today, but I would ask - I think it is appropriate for the Law Department to give us some advisory memo regarding the status of this case.

I think there is an issue relative to the city protecting its interests if indeed it is the fact that disproportionately we in the City of Pittsburgh benefit in terms of the various non-profit groups and other public purpose kinds of projects. I think we have a direct vested interest as a legal municipality. I don't know if it is appropriate for us to intervene in this matter. I don't know if other non-profit groups have or have not.

But in any event, I do think it is worthy for a Law Department review giving us some advice. Because I think there is a clear special interest and a peculiar interest on behalf of city

government relative to the resources of this foundation and how it actually directly benefits our residents.

So, I think we have a vested interest and I think we should ask for a legal advisory on the status of the case and whether or not it is appropriate for the city to intervene formally.

The Chair:

Well I am under the impression all of the legal ramifications are over. There is nothing legal, the courts have all finished and are decided. The key here is whether they keep a family member as all other endowments and foundations in Pittsburgh have done and it is in the hands of National City to make that appointment. We are just urging them to do that because of their record, their outstanding record, of 90% of the funds going to this region.

That is the basis of it, but getting a confirmation from the Law Department would certainly be acceptable.

Mr. Ferlo:

I thought the sense of the resolution was that National City was not inclined to appoint the family member, maybe I am not clear on it.

The Chair:

We are urging them to - the courts are over and it is up to them to make the appointment. In fact, I have letters here from Dr. Murray, I think all of our US Senators and actually both newspapers have agreed that they should do the right thing and make that appointment.

We have two to be read into the record.

MR. O'CONNOR PRESENTS:

No. 709 WHEREAS, Paul Humanic, having been a Member of the Boy Scouts of America, Troop 109, since elementary school, has distinguished himself through hard work and dedication to purpose, attaining the rank of Eagle Scout ~ Scouting's highest level of achievement; and,

WHEREAS, Paul Humanic recently graduated from Schenley High School with high honors and, throughout his tenure at this fine city school, demonstrated a desire to learn and pursue excellence in all of his endeavors as noted through his Membership in the National Honor Society, the Mathematics League, participation in the International Baccalaureate Society, and his fluency in the French language; and,

WHEREAS, Paul, having lived in France and now residing in Squirrel Hill for the past ten years, has given of himself for the benefit of his community and participated in wholesome and educational activities as well as pursuing his love of the outdoors; and;

WHEREAS, Paul has earned an impressive forty-two merit badges and garnering distinction as a member of the Order of the Arrow and the rank of Assistant Scoutmaster; and;

WHEREAS, Paul, through his Scouting experiences, is well prepared to take on the many challenges he will face in life and will continue to his pursuit of

excellence at Ohio State University where he intends to major in Computer Science

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh extends to Paul Humanic its best wishes and congratulations on the occasion of his being awarded the rank of Eagle Scout and also thanks all of those ~ parents, scoutmasters, teachers and friends ~ who have supported Paul and helped him attain this notable distinction; and;

BE IT FURTHER RESOLVED, Council of the City of Pittsburgh, in honor of his Eagle Scout Award Ceremony, does hereby proclaim Monday, August 31, 1998, to be "Paul Humanic, Eagle Scout Day" in the City of Pittsburgh.

Also,

No. 710 WHEREAS Curtis H. Riemann II, having been a Member of the Boy Scouts of America, has distinguished himself through hard work and dedication to purpose, attaining the rank of Eagle Scout ~ Scouting's highest level of achievement; and,

WHEREAS, Curtis H. Riemann II has recently graduated from Brashear High School where he distinguished himself as a member of both the Brashear Orchestra and Band and, as a musician participated in the Pittsburgh Symphony's "Worlds Largest Orchestra" project, and was featured in two of Brashear's dramatic stage productions as well; and,

WHEREAS, Curtis has long been an contributor to his community, selflessly giving of his time and energy to assure that younger people have healthy and wholesome activities to participate in,

serving as a Den Chief for the Cub Scouts and actively mentoring and helping younger members of the Boy Scouts; and;

WHEREAS, Curtis has earned an impressive twenty-five merit badges and garnering distinction as a member of the Order of the Arrow and the rank of Assistant Scoutmaster, and;

WHEREAS, Curtis, through his Scouting experiences, is well prepared to take on the many challenges he will face in life and will continue his pursuit of excellence in service to his country by enlisting and beginning what is sure to be a long and distinguished career in the United States Navy.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh extends to Curtis H. Riemann II its best wishes and congratulations on the occasion of his being awarded the rank of Eagle Scout and also thanks all of those ~ parents, scoutmasters, teachers and friends ~ who have supported Curtis and helped him attain this notable distinction; and;

BE IT FURTHER RESOLVED, Council of the City of Pittsburgh, in honor of his Eagle Scout Award Ceremony, does hereby proclaim Monday, August 31, 1998, to be "Curtis H Reimann II, Eagle Scout Day" in the City of Pittsburgh.

MR. FERLO moved to adopt the resolutions.

MS. MCDONALD seconded the motion.

Which motion prevailed.

The Chair:

We now move to presentation of papers.

MR. FERLO PRESENTED:

No. 711 Resolution providing for the issuance of a warrant in favor of DeBolt Unlimited Travel Services, Inc., for professional services provided August 18, 1998 for the benefit of the residents of the City of Pittsburgh, cost not to exceed \$2,376.00. Prior Interim Approval Granted. **(SPONSORED BY MR. FERLO).**

Which was read and referred to the Committee on Finance and Budget.

MR. HERTZBERG PRESENTED:

No. 712 An Ordinance amending the Pittsburgh Code, Title 9, Zoning, Chapter 970, Public Realm Districts - Grandview, Section 970.03, Special Districts; and Section 908.02.G. of the Pittsburgh Urban zoning Code enacted August 3, 1998, deleting "three story buildings" under Main Structure. **(SPONSORED BY MR. HERTZBERG).**

Which was read and referred to the Committee on Planning, Zoning and Land Use.

MR. HERTZBERG moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. FERLO seconded the motion.

Which motion prevailed.

MR. ONORATO PRESENTED:

No. 713 "Resolution amending Resolution 290/1997 providing for an Agreement (s) with various community organizations for operational/administrative expenses, maintenance, purchase of equipment; and/or minor rehabilitation of neighborhood facilities for the benefits of the City of Pittsburgh at a cost not to exceed \$134,250.00" so as to delete one project "Perry Athletic Association" and adding one project "East Northside Action Committee". (SPONSORED BY MR. ONORATO).

No. 714 Resolution repealing Resolution No. 479/1998, entitled, "providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of HUD for a grant in connection with the 1995 CDBG Program" by deleting \$4,000.00 from Perry Athletic Association and adding \$4,000.00 to East North Side Action Committee is Hereby Repealed. (SPONSORED BY MR. ONORATO).

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. FERLO seconded the motion.

Which motion prevailed.

Also,

No. 715 Resolution amending Res. No. 724, approved August 29, 1988,

providing for the implementation of a Residential Permit Parking Program in portion of Squirrel Hill, CMU Community, pursuant to the Pgh. Code, so as to amend the streets included in Area "K."

No. 716 Resolution amending Resolution No. 140, approved March 20, 1997, entitled, "Providing for the implementation of a Residential Permit Parking Permit Program in Area "Z" in the North Squirrel Hill Community, Council District #8, pursuant to Pittsburgh code Chapter 549," so as to amend the streets included in Area Z.

Which were read and referred to the Committee on Planning, Zoning and Land Use.

MR. RICCIARDI PRESENTED:

No. 717 Resolution authorizing a Cooperation Agreement or with the Urban Redevelopment Authority of Pittsburgh, the County of Allegheny and the School District of Pittsburgh providing for the financing, monitoring, implementing and terminating of the center Triangle Tax Incremental Financing District as amended by Amend No. 1 (Council District 6). (PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG).

No. 718 Resolution Adopting a Tax Incremental Financing Plan presented by the Urban Redevelopment Authority of Pittsburgh creating the Broadhead Fording Tax Incremental Financing District and making certain findings. (Council District 2.) (PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG).

No. 719 Resolution authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh, the County of Allegheny and the Pittsburgh City School District providing for the Financing, Monitoring, Implementing and Terminating of the Broadhead Fording Tax Incremental Financing District. (Council District 2). (PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG).

No. 720 Resolution Adopting Amendment No. 1 to the Center Triangle Tax Incremental Financing Plan presented by the Urban Redevelopment Authority of Pittsburgh, and making certain findings (Council District No. 6). (PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG).

MR. RICCIARDI moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Also,

No. 721 Resolution providing for an Agreement(s) for Stenographic Reporting Services in connection with Public Hearing (s) for the Commission on Human Relations, at a cost not to exceed \$4,000.00.

No. 722 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to pursue a Tax Incremental

Financing Proposal or Proposals for portions of the East Liberty Redevelopment area No. 10. (Council District 9). (PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG).

No. 723 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to pursue a Tax Incremental Financing Proposal or Proposals for portions of the Cultural District Redevelopment Area No. 53 (Council District No. 6). (PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG).

No. 724 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to pursue a Tax Incremental Financing Proposal or Proposals for portions of the South Side East Redevelopment Area No. 55 (Council District No. 3)

Which were read and referred to the Committee on Housing, Economic Development and Promotion.

MR. UDIN PRESENTED:

No. 725 Resolution transferring the unencumbered amount of \$190,198.39 from various non-departmental Civilian Review Board Subclass Accounts to the Civilian Review Board Sub Class 150, Miscellaneous Services Org. No. 999900, Budget Year 1998. (SPONSORED BY MR. UDIN).

No. 726 Resolution providing for an agreement(s) with the Civilian Review Board for professional services at a cost not to exceed \$210,198.39 and providing for the payment of the cost thereof. (SPONSORED BY MR. UDIN).

MR. UDIN moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day

following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. FERLO seconded the motion.

Which motion prevailed.

Also,

No. 727 Resolution providing for the issuance of a warrant in favor of American Legal Publishing Corporation in payment for professional services for the Pittsburgh Code, at a cost not to exceed \$7,900.00 chargeable to and payable from Account 525500, Sub-Class 150 Miscellaneous Services, Fund 100, Organization 101200, Budget Year 1998, Office of City Clerk. **(SPONSORED BY BY UDIN)**

No. 728 Resolution providing for the issuance of a \$5,874.44 warrant in favor of Laidlaw Concorde Adjusters, Inc. 669 Airport Freeway, Suite 400, Hurst, TX 76053, in settlement of a claim in which claimant's vehicle was damaged due to an accident with a City EMS vehicle on May 21, 1998.

No. 729 Resolution providing for the issuance of \$10,000 warrant in favor of Yolanda Glass, 665 Southern Avenue, Pittsburgh, PA 15211, in settlement of a claim for water run-off from improper street paving.

No. 730 Resolution amending Resolution 467/1998, entitled, "Resolution transferring the amount of \$120,000.00 from the Mayor's Office to the Copier Management Trust Fund in the Department of General Services to make payments related to the operation of the

Print Shop," by identifying the specific code account within the Mayor's Office.

No. 731 Resolution authorizing the sale of City owned property in Millvale Borough on Lincoln Avenue, to Joseph C. Kelly, Jr. & Virginia S. Kelly, for the sum of \$1,000.00.

No. 732 Resolution authorizing the City to issue a quit claim deed for property in the 4th ward, on Ophelia Street, Block 28N, Lot 110 (part) to Geoffrey L. & Reiko Y. Becker, for the sum of \$350.00.

No. 733 Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act" effective December 11, 1984, having been placed for sale to adjoining property owners in conjunction with the City of Pittsburgh/City Source Associates Sideyard Program.

No. 734 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with the Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

No. 735 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were read and referred to the Committee on Finance and Budget.

THE CHAIR PRESENTED:

No. 736 Resolution authorizing the Mayor and the City's Computer Information Services to take measures to allow pensioners the option of having the electronic bank deposit of Municipal, Fire or Police pension checks. (SPONSORED BY MR. O'CONNOR).

Which was read and referred to the Committee on Finance and Budget.

The Chair:

Thank you we will now move to unfinished business. Any unfinished business to come in front of Council? Hearing none. Move to Committee Chair Reports.

Mr. Diven, from Public Safety.

CHAIR REPORTS

Mr. Diven:

I am going to keep this short. I asked a number of the Chiefs from the Public Safety Bureaus to send me just a real brief e-mail as to what is going on in their department. I will make copies available to other members of Council. So just some of the highlights.

In fire, one thing that I wanted to comment on not only does our Fire Bureau take care of fighting fires and going out in the action but they are also involved in a lot of preventative maintenance. This year to date the Fire Prevention Bureau has conducted 731 inspections and 626 tests of fire suppression systems were done in the first half of the year.

Additionally, the early alert spoke detector and home inspections are continuing. So there has been a sharp decrease in the number of fires in the City of Pittsburgh. I think everyone is pointing to the tremendous work that our Fire Bureau has done towards preventative maintenance, working with building inspection to make sure that things are up to code and smoke detectors are available to the residents in the City of Pittsburgh.

So I thought that was something that a lot of times goes unnoticed. I would like to commend our Fire Bureau for the tremendous work that they have done in trying to prevent fires from happening instead of fighting them after they do.

In building inspection, just a note on the numbers for the demolition for this year. At the end of August BBI has spent \$948,398. That represents approximately 200 structures during September. They will be awarding another bid for \$151,602.

Also, they have also been involved with bringing the BOCA Building Officials and Code Administrators 83rd Annual Conference to Pittsburgh. That will be held at the William Westin Penn between September 14 and 17. Chief Cimino was part of the team that planned this event.

I would like to congratulate them for bringing more people in to see our city.

In the Bureau of Police Department they have implemented a juvenile citizens and police academy and recently they have just graduated their second class. The Police Academy staff conducted eight full days of training for youths. It was widely reported by local television stations and

newspapers. Some new orders were issued and our ongoing effort to revise the rules and regulations and training is being conducted in every new order.

So, in addition to the Civilian Police Academy, now they have started a youth civilian police academy. Which I think is a tremendous idea for giving kids the exposure to not only that as a possible career choice but to understand where their rights and where their responsibilities lie in the community.

Also, 700 surveys have been returned from 1100 sent out to the McKenzie Company. What they're doing and I was briefed earlier last week by the deputy Mayor and Command staff and representatives from McKenzie and Company this is a national firm. They are probably going to give us a million dollars worth of work for free.

Originally during the first term of the Mayor they were brought in to help revitalize the Housing Authority. They have made that second offer to come in and work for free in the beginning of the Mayor's second term and they chose to deploy their resources into the Pittsburgh Police Bureau. The process will take several months.

What they're doing is I believe they have sent out 1100 surveys, 15 page comprehensive surveys to each officer and asked them to detail their work environment, their command staff, everything that they come in contact with during the course of their job description and write down in detail what is going on. This information has already been collected and they are in the process of breaking it down. From that what they're

going to do is they have set up committees to try and work to implement changes to make the Police Bureau more proactive and more customer friendly to the community and a better first class Police Bureau.

So I think that this is a great opportunity for the rank and file officers to get involved and discuss the problems they see in the bureau and the changes they would like to see happen.

In talking with McKenzie Company and with the Deputy Mayor it looks like a great opportunity to really try and take care of some of the bad morale problems that have effected our department and really pull from the resources throughout the department. So I think that will wrap up in November. Hopefully it will be able to provide some really positive recommendations for improving not only the service but the morale in the department as well.

Right now they're in the process of preparing the 1999 budget. In talking with the Chief, one of the things that I have encouraged him to do was to show their process on how they come up with the needs for new equipment and purchases that Council has to vote on. I think during the course of this year we have had a number of pieces of legislation that came in front of Council and one of the same things that we have heard over and over was is this the best use of our money? Is this the absolute necessity for the department?

In talking with the Chief, they do have a process at the end of the year where each commander will sit down and look at exactly what they need for their bureau.

Then they will weigh it with the rest of the zones and come up with a finalized list.

I think it would be good for Council's sake to understand that process. I have asked the Chief to try to make that process available to Council members that are interested. Because I think it would help us understand when a piece of legislation comes up that it wasn't something that someone just looked in a magazine and said this would be nice to have. They do have criteria and they have a checklist of things that they need to do to perform their job.

I think by sharing that information with Council it would be helpful in getting their resolutions through quicker.

Additionally, the Emergency Operation Center they are finalizing the receipt of their new Cadd system. They're in the process of getting things ready. The move to the Lexington Center is expected to occur in September of this year to March of next year depending on the delivery of the equipment that is needed to get that center up and running.

So with that EMS, the Labor Management Committee recently completed its development of a new specification for rescue trucks. This specification should be bid this fall with award and delivery to take place in 1999.

I know one of the concerns with people in the EMS is the amount of miles that are put on these trucks and the wear and tear that they take. I think this will be something that will help --

The Chair:

How many trucks?

Mr. Diven:

I am not sure what the number is, I want to say six, off the top of my head, but I don't want to be quoted on that.

There are a number of vehicles in the EMS fleet that have upwards of 150 thousand miles and the wear and tear that they put on them are not like a normal car. So it's helpful to make sure that we can kind of replace those vehicles as we can over the years. But that is basically the information that I have for the Public Safety Bureau.

The Chair:

I had one question actually concerning Mr. Onorato. Were we ever comprised of where we are with demolition of buildings? Did we ever get a final figure?

Mr. Onorato:

I had a meeting with our budget staff to tell them to pull out that information that we all supported and voted for to make a detailed analysis of how much money that we put into each account and how much was spent to date. So we will have a report relatively soon hopefully in the next week.

My fear it is not being nearly spent as fast and as adequately as we wanted and the intent of what this Council wanted. I don't know that for a fact yet, but from the feedback I have been getting, it doesn't appear to be working as what we thought would be working. When we have the numbers in front of us, I think we will then

call either the chiefs or the directors and ask them why the money is there. We still have these problems out there and see if we can help them resolve it somehow. The money is definitely in the accounts. There is no excuse why we aren't taking down more buildings and cleaning more lots.

The Chair:

I would like, Mr. Diven, if you can get also -- not only the money but the number versus -- are we tearing down 200 versus 150?

Mr. Diven:

They're saying approximately 200 structures have been torn down at the end -- running this year to the end of August.

The Chair:

My question is how does that compare with last year?

Mr. Diven:

I can get that comparison.

Mr. Onorato:

I don't have any prepared report to give. As you all know, the Planning Commission spent the last six months to really working to pull the new code together. The only thing that is happening right now that is of recent news that is the formation of the Review Committee. Any of my colleagues here if you have a person that you want on it, we are trying to keep the committee small. I am also trying to also keep it balanced city wide,

geographically and balanced between community groups, versus the realtors and the business individuals.

I know a few colleagues have already expressed an interest to actively participate. I will be doing that. I think Mr. Hertzberg and I think Mr. Ferlo actually might want to participate. He's mentioned it and I know some colleagues actually have an interest of individuals that they would like to have on the particular committee.

So within the next two weeks we will have either a preliminary or a final listing of the committee members. We want to start meeting in September, late September to get this thing up and running. I think in the next six months then we will have a good, let's say adjustment report on the new zoning code before it actually takes effect. Then have a follow up adjustment once it is in effect to see if there is anything that was not anticipated that needs to be adjusted.

So, that's the really the only current activity that I think is important to all of us. Other than that is the common business of the Planning Commission is going on as usual.

Mr. Ricciardi:

Thank you, Mr. President. Mr. President, I just have one comment and then one question to our Chairperson of Public Safety. The first is that I do support a very aggressive demolition plan in the City of Pittsburgh for various reasons.

At the same time, I believe we have to be proactive in terms of looking at

structures. That is, that before a structure, a house gets to the point where it needs to be demolished our Planning Department really needs an idea or concept where they can be more proactive. Step into the process and maybe even work with the community group and transfer the house over or maybe work with some sort of LDC, some sort of CDC and have an opportunity to refurbish the house. Because what happens is we demolish the house, we know what the problem is. It just looks bad in the neighborhood when you have too many vacant lots and then you have a maintenance problem. So maybe we can be a little more proactive.

The question I would like to ask to Mr. Diven if he has an opportunity and if he could either set up a Post Agenda or a private meeting with the Chief of Police. That is I believe and I do know the separation of responsibilities between this legislation body and the administration. The separation of responsibilities and powers as laid out by the charter and as also as a common courtesy. But at the same time I have received a number of calls regarding a directive that has just come down from the Chief of Police regarding transfers.

I believe 20 percent of the uniform police officers will be transferring throughout the City of Pittsburgh. It was reported in the media that that was one of the directives inside the consent decree. The question that I would just like Mr. Diven to follow up on is number one if that is true? If the consent decree was signed by the Murphy administration and the Department of Justice does direct a 20 percent transfer of uniform police officers? If it does, obviously I would like to see that in print.

If this is just a policy by the Chief of Police, Mr. McNeilly, maybe then we can just sit down and better understand his idea behind it. Obviously, I have received a few calls from block watches that are very concerned, very involved with police officials and believe that this might not be a good idea.

Now it is very difficult for me to question the Chief of Police because that's his skill. I mean he is a police officer I am not. But Mr. Diven if you have an opportunity and maybe look into these transfers is it just a policy directive put down by the Chief of Police or is it true and it is within what I consider the ill conceived consent decree here in the City of Pittsburgh?

Mr. Diven:

I can answer that right now. I have gotten a number of calls myself. A number of the F.O.P. members. I had a chance to speak with the Chief myself personally. He is saying that it is part of the consent decree that they have to transfer 20 percent annually. Also in the report they did mention that an annual transfers of supervisors and officers were announced, the command staff attempted to ease the impact that this would have on all officers and supervisors. We had each officer who was due for an annual transfer complete a form advising us of what duty location they preferred. Of the officers who returned, nearly 90% were given their first choice of duty location most of the rest were given their second choice.

Aside from people in the community complaining because they're losing an officer that has been involved in their community, there was also a problem

with the F.O.P. as far as moving a number of police officers. It is, at least according to the Chief, it is a part of the consent decree.

I have a problem with it in the fact that I think you have a number of police officers who know the area. Some of the concerns that were raised by the F.O.P. that by moving that many officers you're going to have officers who are unfamiliar with their zones and in effect are going to increase response times in times of emergency. So, I have got the same concerns as you have.

I have tried to talk with the Chief and I have talked with some people from the F.O.P. but the bottom line is the Chief is saying that it is part of the consent decree and his hands are tied. It is something that he's obligated to do.

Mr. Ricciardi:

I would just like to continue that conversation just for a second if I may, Mr. Udin. Obviously there is a policy issue there. I don't think it's a good policy issue to transfer. However, it brings up something else that then there appears that there is some unfair criticism laid at the Chief of Police, Mr. McNeilly, because he is following what is now a consent decree that needs to be followed. If not, the City of Pittsburgh will end up in court.

I think what that needs to do and I am going to be the first one to say to even myself, I think we need to better review the consent decree. I think our police officers need to better understand the consent decree. They need to understand that if there is criticisms to be stated that some of these criticisms should not be

towards their police chief, which is Mr. McNeilly. We have some good lessons being learned from all of those involved.

I mean for example we have diversity training here in the City of Pittsburgh for our police officers. I think what we need now is consent decree training. I don't think many officers know or understand that that was part of the consent decree. I will be the first to say publicly that I did not realize that was in the consent decree and I have read it. So it's something that I have forgotten.

So maybe, Mr. Diven, we should talk to our Chief of Police and make sure that the consent decree is properly distributed to all police officers at all zones. I know for a fact that it was not and maybe police officers will feel a little more level of comfort if they realize it is part of the consent decree and not a policy directed from the Chief of Police.

Mr. Diven:

I would like to go further. I have some concerns about the consent decree myself. I think that the annual cost of the city for implementation of the consent decree is something around \$3 million, correct me if I am wrong. Looking at the first quarter arrest rates for the City of Pittsburgh, they're down 13 percent compared to last year. So, you know in essence are we paying more money to have less effective police bureau?

I would be fine with having a Post Agenda and inviting somebody from the Law Department and the Chief of Police to discuss the consent decree and what it means to our department and the City of

Pittsburgh. So if it is the wish of Council I would ask the City Clerk to set up that meeting.

Mr. Ricciardi:

Mr. Diven, are you saying in your opinion that the number of arrests have decreased because of the consent decree that's been instituted here in the City of Pittsburgh? Are you saying police officers are hesitating in doing their jobs because of either the consent decree is that what you are saying?

Mr. Udin:

Can some other people participate in this discussion, Mr. President?

The Chair:

I think Mr. Ricciardi had the floor.

Mr. Ricciardi:

After that question, I will give up the floor.

The Chair:

Instead of turning this into a debate, I think the Post Agenda to inform the public and especially the police -- officers should know what the consent decree is. If the Chief is being unfairly criticized in the media, maybe we should educate the media too to what the facts are.

Mr. Diven:

I think having more information on that is the best thing to have. In response to Councilman Ricciardi's question, I can't

tell scientifically. I mean this is what has been said to me. One of the good things about this survey is that officers were asked to fill in information regarding how they feel about the impact of the consent decree. So hopefully that will be something that the McKenzie Company survey and process will take into consideration and hopefully we will be able to get more definitive numbers about --

The Chair:

We can go into further details at a Post Agenda.

Mr. Udin:

Mr. President, what is the process for getting the floor?

Thank you. I want to weigh in defense of the consent decree, which is being, I think, mischaracterize in this discussion. It needs a balanced discussion, which is why I raised my hand.

The cost of the consent decree issue needs to be compared to the cost to the City of Pittsburgh before the consent decree. It is not just a question of cost. We were paying out a lot of money in settlements for police abuses, which is the reason why the consent decree was signed. It is not just a consent decree that fell out of the sky.

I would encourage a further discussion even a post review of the consent decree. Hopefully we should read it before we have that discussion.

The officers are being trained in the provisions in the consent decree. The

consent decree issues are integrated into current police training, have been for sometime. The officers are being trained in it. It is not a question of officers not knowing it is a question of some officers disagreeing with the policy.

The policy of transferring police officers is not just a question out of the consent decree. I believe that if we checked, we would find that transfers of a certain segment of the police department is a standard best practices endorsed by police chiefs throughout country. So it is not just a result of the consent decree. It has to do with management practices of a modern police force and police department.

So I would hope that we not now begin to kind of blame the consent decree for things that are unduly placed on the consent decree. We would understand the reasons why the issues that are provided in the consent decree are there. We have a better police department as a result of the consent decree. It is more stringent, it's more strict, it will create complaints but it results in a better police department. I think the consent decree is working and the Chief ought to be supported.

Mr. Onorato:

There are a lot of big issues being thrown out here. I look forward to a Post Agenda because I think a lot of these questions have to be answered. I personally have read the consent decree. I think you all know my feelings. I think it's a shame and I want to point out that this Council had nothing to do with it. We didn't vote for the consent decree and it doesn't have our blessing in any official format.

I also am not convinced that we have a better police department because of it. I talked with a lot of different officers. I hear things and you never know how widespread the problem is. I am getting the impression that morale is at an all time low. I hear statistics of officers leaving the city at a rate that I would like to have confirmed if it is true. I hear arrest rates are down to an all time lows. I would like to confirm if it is true. I would like to see what exactly is in the consent decree that is bad. What is in there that might be positive?

But my fear and my gut feeling is that when we gave up certain controls out of the Mayor's Office that oversees police departments, it was a very bad thing for the City of Pittsburgh. I think that we should weigh all the factors. What was the cost before any of this? What were some of the payments we made out because of some police action? What is the cost because of the consent decree now? What is the cost of the decrease in arrests? What is the cause in the decrease in arrests? There is a lot of evaluation that has to take place here.

My fear is that 1998 and September of 1998 where we are now that we do not have a better force than we did before the consent decree. The morale is bad and something should be done about it. I like the Chief. I don't know what part of the system his hands are tied and where he has flexibility. But one thing I do know is when you hear it once and then you hear it ten times, you hear it twenty times, a lot of rumors. You find out that there is some truth to these rumors and the word out there is not a very good from what I have been hearing and it is concerning me.

I read the consent decree twice. I was briefed by the Solicitor along with my colleagues here. I can tell you a new thing or a new issue comes up for the consent decree that I never read and I wasn't briefed on every time we have this discussion.

This is not what I was briefed on. This is not what I read in the consent decree. Maybe we better find out exactly what the consent decree does dictate and what it doesn't dictate. I think it is a shame we have it. I think it is unfortunate that we have it. But the reality is somebody here signed it and it is in effect. Hopefully we can get beyond it. I want to make sure that we have the best police department that we have and that they are given the tools that are necessary to keep the city streets safe.

I can tell you right now it is pretty disturbing what you're hearing out there. I look forward to the Post Agenda. I hope we have all the players in the room because I have a lot of questions that I would like to ask from the Chief to the administration to the rank and file of the police department. I think these questions deserve to be aired publicly. We deserve answers to them because I just want to point out that none of us, regardless of where we stand, the nine of us, participated in the consent decree discussion of bringing it to conclusion. It was landed on our lap after it was signed. We had nothing to do with it and yet we have to deal with the realities of it, the pros and cons when we hear it out in the street.

The Chair:

Before I call -- is there a survey going on right now among the police?

Mr. Diven:

The McKenzie Company sent out 1100 surveys of 15 page survey and with that they have sent it out to all of the officers. They have received 700 back. So what I was saying earlier is that we could get more of a definitive answer as to what kind of impacts. You know recently I started going on ride a longs in the evenings. I was out in Zone 5 two weeks ago on a Saturday night from nine a.m. to three a.m. and talked with officers and road along with officers.

My feeling is, and this is my own personal belief, is that there is a definite impact that the consent decree has. I think officers are concerned that they are going to be second-guessed after the fact. At a time when someone's life is on the line or their life is on the line, they have got to be able to rely on their training and their instinct as a police officer to do their job.

If they are concerned about the consent decree or any of the repercussions of the consent decree it makes them less likely to act. I think that the statistics show that the arrest rates have gone down from the first quarter of last year. Now, I think --

Mr. Udin:

That's supposed to be a good thing.

Mr. Diven:

We can have that discussion at the Post Agenda. I do think in reference to the mandatory transfers I will concede that some of the departments use it. It is considered a good practice. But in talking with the Chief himself, he said that he was

planning on implementing it before the consent decree. But none the less it's still mandated by the consent decree. So even if he wanted to do it differently or do a different percentage, he would not be able to because the consent decree mandates 20 percent each year.

So it's something that does tie the hands of the Chief to make a decision. I do think that's probably part of the reason why there's so much back lash with the F.O.P and with all the negative low morale that the department has seen. I do think a healthy discussion with having all parties at the table concerning the consent decree is a good step. The Council needs to be a part of and bringing light to this because we get a lot of people that either attend the meetings or watch at home. I think it would be a great educational process not only for ourselves but for other people that have an interest in the Pittsburgh Police Department.

Mr. Hertzberg:

Thank you. I attended a Sheraton Community Council Meeting last week. Ordinarily the meetings are ten to 15 core people who do all the work. Last week through I guess some kind of network in the community, a lot of people attended that meeting. Their complaints were all crime related complaints. I would say there were about 100 people at this meeting. Probably the largest meeting ever held by the Community Council.

I stayed for the whole meeting and just listening to the comments of the residents, I think the one common theme to all of it seemed to be that when calls were made and police came they weren't doing anything. They did not seem to be

aggressive and in what the residents thought were situations that called for arrests, arrests were not being made.

I am not going to sit here and try to say what the problem is, what the cause is whether it is a consent decree which I am hearing, Civilian Review Board or I am hearing the Chief himself. I am hearing that is a problem too. It doesn't matter any ways we're not going to change those things. We are going to have to learn to work with them. That is why I think the call for a Post Agenda and also the consultant report from that company that I think is nationally renowned for doing consulting and management and for trying to get to the bottom line and figuring out what is going on. I think we need to do it, there is no doubt about it.

But I think we all need to get together and not try to find ways to divide. We need to work together to find a solution to make our police effective but working within those constraints that we are not going to change.

Ms. McDonald:

It is the same comments I have. We can hold a Post Agenda. But are we going to just have a nice little entertainment session where we are all going to bash the consent decree, we are all going to fight about things that we cannot change? Because to me, it is all a waste of time. It's a simple waste of time. We are bound legally to the consent decree whether anybody likes it or not, I think we have to kind of understand that before we walk into the Post Agenda.

I would hope, Mr. President, and to the Chair, Councilman Diven, is that there

would be a clear agenda had for a Post Agenda because personally like I said I don't enjoy just a free for all just to talk just for the sake of talking. I don't enjoy it, it is a waste of time, it is a waste of money, it is a waste of cable time. So I would suggest that everybody look over the consent decree, find things that they really do not like. I have to revisit it myself. It has been well over a year.

I think it is timely to have a Post Agenda where we revisit and see well how has it impacted, has crime gone down? I mean you have the Mayor bragging that crime has gone down in the city, even though arrests have gone down, well what is bad? So we have to really understand well what is bad? To understand perceptions versus realities, people's perceptions can become the reality but we have to understand is it really perception or is it reality and have a serious discussion with the Chief of Police.

Personally I am going to have to say I think he is doing a wonderful job as far as making the right changes that are necessary. This takes me back to 1995 when I brought up the police issues and the very same complaints that we are hearing are issues that I brought to the table. Is that you can't have a stagnate police force where everyone sits there for ever in a day and never leaves their spot but at the same time there has to be balance. You cannot necessarily just change people up.

So I need to hear at this Post Agenda the Chief's interpretations as well as the Law Department why there was a mandate for this turn over for switching people around to other departments? I need to have it justified to understand. I

think that what we are doing is we are going around in the dark. There is just too many politics that are playing instead of just good administration, common sense in running a good police department.

I have to ditto Councilman Hertzberg's remarks where we have a consent decree we have to deal with the consent decree. I think that we need to work with the Police Chief and the administration to make sure we make it work properly so we have an efficient department. And believe me, what I find in my experience and we are all politicians here is that you always hear people who speak the loudest, that is not necessarily a consensus. It is not -- there is always sometimes a quiet not sometimes, I am just refuted myself, there is always a silent majority. We just have to find some common ground what that silent majority is saying.

It would be nice if that study were done so that police officers could send their comments anonymously. So that there is no tracking. I would like to hear their true feelings, not what they're told to say by their union, not told to say by the administration, but what they really do experience. If I could get to that truth, I think we would all be a lot better off in finding out how to best deal with the police department in handling the city. But you are going to have disgruntled people. Change is difficult, change is painful, and I expected to hear a lot of people complaining.

Mr. Cohen:

Just a couple of points. The consent decree was a negotiated effort to professionalize our police department. It

happened because there were problems within the police department not systemic problems. But never the less there were problems and that's the reason that the justice department came into the City of Pittsburgh and it was negotiated.

Councilman Onorato is absolutely right it was not negotiated by this Council. But never the less the consent decree was something that I supported, and supported because it is a genuine effort to professionalize the department. I have yet to hear specific facts as to why the consent decree has been a problem. I am certainly open minded to that but I don't want to hear that the reason is because we have lower arrests. The mission of the police department is to lower the crime rate. It is not necessarily to increase the number of arrests.

Much of the effort of the Police Bureau has been to prevent crime as opposed to being reactive and maybe that means that some of that is working and I hope that it is. Secondly, I wanted to show my support for this Chief of Police, who has really undergone a very difficult time. In all of my dealings with Chief Robert McNeilly they have been professional and every decision that I know of that he has made has the standards that has guided him is what is best for the City of Pittsburgh, what is best for law enforcement. I have been impressed with that. I have been impressed with him.

It is not an easy job that he has as Councilwoman McDonald said. all change meets resistance. But this Chief of Police has been a fine Chief of Police. When I hear a member of Council say that one of problems is the Chief of Police then I have to react to that because I think this Chief

of Police has done an outstanding job despite some very difficult times. I think that this Council should support him.

Mr. Hertzberg:

Just to clarify I am not stating the Chief is the problem. What I said is if that I mentioned the Chief what I am telling you is these are the sentiments that I am getting. I don't think he's a problem. But the point is if that's the perception among the police, then you know they have taken how many votes in the F.O.P. of lack of confidence.

So certainly the discussion among the rank and file police is that the Chief is a bad guy. Now the Chief is not going anywhere. I don't think he is a bad guy. So everybody just might as well live with it and work with it. That's all I am trying to say. These things are not going to be changed. I don't want them to change either.

The Chair:

Mr. Diven, let's try to wrap this up.

Mr. Diven:

I am excited about the Post Agenda. But in addition to that I think one of the things with the consent decree there are things that are mandated. The Chief does not have the flexibility to make changes outside of the consent decree. I hope this can be a topic of our Post Agenda, is the Chief has had some ideas that are proactive ideas in approving our police department.

One example was the implementation of the OC pepper spray.

This is a tool that other departments use throughout the country which gives them the opportunity to take an assailant that is physically or violent and disable them and it leaves no lasting effect past, I believe, nine hours. Where as before, use of force had to be done to restrain that person. Well, the Chief has been fighting to get that implemented in our department. It was, I believe, a \$50,000 line item, which it has taken him two years to find the money in the budget to do that.

So, I think, in addition to looking at the consent decree and assigning blame and talking about how the morale problem is, Council needs to be prepared to accept part of that responsibility. I think you know ourselves and the Mayor's office have got to be in a position to provide the resources to run a first class police department. If we don't do that then we are neglecting our job. We are leaving a guy who is already in a tough situation with all the negative media attention and all of the things that have happened in our Police Bureau we are leaving him on an island and asking him to perform miracles.

So I hope that that can be something else that we discuss in the Post Agenda session is that there are some other initiatives that the Chief would like to do that would make it easier to be a police officer in the City of Pittsburgh. But for bureaucratic reasons or lack of the ability to find the appropriate funding, those things aren't happening. I think that that is something that Council needs to explore because unlike the consent decree that is something we can very well change that can improve the morale and improve the service of our Police Bureau. So that is something that I think we need to do.

The Chair:

If I can have the final words on this matter and put it to close. During the summer I think we all spent a lot of time in our neighborhoods and probably less time in the office. I have heard not only from the police but some of our Public Works employees of all, there looks like a little morale problem. I would think in main cases, the F.O.P versus the Chief is usually in labor negotiations, wages, things like that. So far it seems to be a little more than a little morale problem.

When there is a morale problem there are probably five or six reasons if the consent decree is one that has to be addressed. But I think it is our duty to put it on the table so that everyone understands. I know that some police officers are hiding behind these. They are making excuses. I am fed up with it. I spent time when I have a cop and I call a cop and he gives me three reasons why he can't do something. I just tell him do your job. I don't think anybody should question Council's support of the police department.

That is why I think it is very important to get this on the table. I see other workers telling me that is not my job that is his job. Well when we start doing that we have a management problem. I think it is a growing problem. So the sooner we have this Post Agenda to lay it out. If 90% of the officers are doing a great job, and 10% aren't then we ought to direct those 10% here is the rules and regulations.

If transfers are a problem, as I read the paper, transfers look like a major problem, why do it? Here you are saying that they are asking and 90% agree I

would rather go over here, then that shouldn't be a problem. We are giving them a choice. I don't know that that should be a problem, if we are giving you your first choice.

So, I am questioning I think the sooner we get these people to the table and they get out there and start doing their job and stop worrying about all these distractions. Whether it be justified or not I think we owe it to the people of Pittsburgh, our constituents, to lay this out. It maybe came out at perfect timing before this morale continues. Because the only people that suffer are our constituents.

Anything else under Reports?

We have no reports of committees today. Moving to motions and resolutions.

MOTIONS AND RESOLUTIONS

Mr. Onorato:

Only a positive and happy note here hopefully. This is something this is actually you may have read about it a little bit. This is something that I am working on being Council's representative to the Stadium Authority is the issue of the electronic light up W's that are on top of the Westco Building on the North Shore. On the North Side -- for the North Siders over there that don't like the name North Shore.

What we are trying to do and what I am trying to do on the Stadium Authority side is preserve another part of Pittsburgh history. This isn't about advertising signs. This is about something that has been in the skyline for a long time like the clock on Mount Washington. Those W's coming

over that bridge I think as long as I can remember have always been there lit up.

It also symbolizes our industrial past and one of the great companies that was born and was bought out here but obviously the legacy is still here throughout Pittsburgh. The naming of bridges, high schools, the Westinghouse name is all around this region and the number of employees that worked for that corporation and hopefully the name does carry on with the individuals that bought out the name.

But we are trying to come up with a relocation plan. It might be a two-prong approach where we actually store the signs so that they are not demolished in the process of the two new stadiums on the North Side. At the same time trying to find a new location preferably on the North Side on one of the blocks or on a building in the entertaining center over there, the complex.

But if you go to the historical society on Liberty Avenue you will see a lot of the United States Steel Corporations signs on display there. They thought it was important to preserve that signage for our heritage and it is the same type of signage, it was lit up that is on display there. We have letters and calls into the historical society to the Carnegie Science Center for possible relocation for storage.

Hopefully I can bring back to Council a plan for where the signs would be going. But I am also calling on colleagues and anyone listening for ideas. If people have ideas of what to do with the W's or where to put the W's, be creative, let us know. Because we are really trying our best to make sure that this doesn't

disappear with all of the development at that point. So, we are looking for any suggestions at this point.

Mr. Udin:

Although it would be preferable to keep them outside, but if an outside location is not available, perhaps the John Heinz Regional History Center might be able to display them for a large number of people.

Mr. Onorato:

I guess that is what I meant. The History Center is where the US Steel signs are. However, it is our second choice. Our first choice is to keep them outside and lit up.

Mr. Ferlo:

CBS Headquarters.

Mr. Cohen:

Thank you, Mr. President on another issue this Council will be holding a Public Hearing on cable television franchise renewal. I want to thank you, Mr. President, for having it in the evening because I think that will allow more citizens to come.

It is Wednesday, September ninth, at seven o'clock in the evening. We are inviting citizens to come and speak to the two issues that the federal law requires when it comes to Franchise renewal or franchise transfer and that is the past performance of the cable operator in this case TCI, TCI's past performance and also Pittsburgh's future cable related needs.

So we are asking citizens to come and speak to those two issues and I also would like to make a motion that that hearing be televised please.

MR. UDIN seconded the motion.

Which motion prevailed.

Mr. Cohen:

One other very quick thing. I did want to commend the General Services Department Guy Costa the Director for cleaning this building particularly the porticos of this building it has gotten some publicity. A lot has been done. I won't run through all of the items that have been done but perhaps the most striking is the two porticos. If you haven't, for people who are watching, if you haven't had a chance, go out and look at the front portico and the back portico of the City County Building. It had been covered with years and years of smoke and soot. It has now been removed and you will actually see a beautiful blue ceiling. So I want to thank Guy Costa for his help.

The Chair:

I thought I was in the wrong building. Only if we can get the elevators next. We got the outside, let's move in.

Mr. Ferlo:

Mr. President, on another matter. I am not sure exactly what the current situation is regarding the formation of the County Home Rule Committee maybe Mr. Udin knows more about that and wants to comment on that. When and if it actually happens, or if it happens, I understand from the State Act that there is a provision

for the City Council here and the City of Pittsburgh to appoint or recommend three people as part of this Advisory Committee to develop the Direct Council Boundary Lines. Pursuant to that comment I would like to suggest -- I have one individual I would like to recommend.

I know there is another gentleman who has already written a position paper he sent to me and I think to others. Councilman Cohen and there maybe others but I would like to ask through you as Council President we each give a name and try to develop some consensus on who those three individuals might be.

The Chair:

If I can interrupt, I know you were out of town last week. We have divided Council into three bodies, three sections on each side of the river and try to find a person from each of our neighborhoods and North and South. So we have all three sides of the river are covered. I think I followed actually your leadership you did that a couple of years ago.

Mr. Ferlo:

Okay, great. So the folks within my region --

The Chair:

And we have until September 15th to make recommendations. We have three appointments.

Actually we had until October 1 but we would like and Linda has requested and she is right to have resumes on the applicants.

Mr. Ferlo:

Thank you.

The Chair:

One final word I would like on the consent decree. I think I have probably followed Mr. Hertzberg's and Ms. McDonald's lead. I think if morale is half as bad as just the rumors, the sooner we bring the problem to the table and that we all benefit including all of our police officers and management of police force and our constituents. So, I think we want to make a better police force with or without a consent decree.

So I think that is all of our goals. I think the sooner we have that Post Agenda with the right players here and a good agenda so we don't get side tracked. So we know why we are here and where we are going and to keep our police force one of the tops is the 13 percent down good or bad? Does that mean crime is working or aren't they doing their job?

So, these are tough questions that have to be answered but I think we all want to get behind our police department and make sure it is most professional in the country.

Any other comments? A Public Hearing Thursday at ten a.m. on conditional use at Pioneer School.

Can I have a motion to approve the minutes?

MR. HERTZBERG moved to approve the minutes.

MS. MCDONALD seconded the motion.

Which motion prevailed.

The Chair:

Motion to adjourn the meeting.

MR. HERTZBERG moved to adjourn the meeting.

MR. FERLO seconded the meeting.

And on the motion made by Mr. Hertzberg, the meeting adjourned.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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Municipal Record

ONE-HUNDRED THIRTIETH COUNCIL

BOB O'CONNOR.....President
LINDA M. JOHNSON-WASLER.... City Clerk
JOHN R. MASCIO.....Deputy City Clerk

Pittsburgh, PA
Tuesday, September 8, 1998

PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Diven	Mr. Ricciardi
Mr. Ferlo	Mr. Udin
Mr. Hertzberg	Mr. O'Connor
Ms. McDonald	(Pres't)

The Chair:

Please stand for the pledge of allegiance and remain standing for a moment of silent prayer for peace and hope throughout the world.

With us today we have a special guest, Mallory Young. She's 11 years old. She is in the seventh grade at Prince of Peace School. With her is her grandmother Mary Dembski and she lives in Gene Ricciardi's District.

Mallory Young:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all.

The Chair:

We have a gift for you for coming down.

We have some special guests in the audience.

PRESENTATIONS

Mr. Onorato:

Mr. President and colleagues, we actually have a fun proclamation today. I am going to ask the representatives from the Postal Service to come forward and as they are walking forward. I am going to name their names. We also have Tom Donahoe representing the Pittsburgh Steelers. He will be coming up with them.

With the United States Postal Service we have Ronald Lincoln, Pittsburgh's Postmaster, Vickie Fetchik, Retail Manager, Tad Kelly Communication Specialist, Tom Molanic, Postal Workers Union, and I am not sure who else is here but we will have the Postal Service Representative introduce everyone else.

As they are walking forward, colleagues, this is a special day. We have a unique opportunity here in Pittsburgh to once again put the Pittsburgh Steelers and the City of Pittsburgh on the map and on a lot of envelopes and be out there for long time if we win this competition.

There is a competition going on to pick a few stamps to represent the decade of the 70's. They are looking at all the decades, but the decade of the 70's and one of the choices is Pittsburgh Steelers for how dominant they were in the decade. We are trying to build support to be one of the three that get selected to represent the 70's because as you know these collectors of stamps this isn't just something that goes away in a year as a fad. This stays around forever. This will have who knows the value of the advertising and the promotion of this city and the Steelers if this gets selected.

I am going to read the proclamation. We are going to hear from Tom Donahoe from the Steelers, we are also going to hear from Ron Lincoln from the Pittsburgh Postal Service to tell you how to do this and how we can all help to make sure the Pittsburgh Steelers is one of the three.

MR. ONORATO AND ALL COUNCIL MEMBERS PRESENT:

No. 737 WHEREAS, the Pittsburgh Steelers of the 1970's won four Super Bowl championships while capturing the hearts and imaginations of their fans; and

WHEREAS, the United States Postal Service, through its "Celebrate the Century" stamp program is allowing

citizens the opportunity to vote on the subjects which best represent the decades of the 1900's, so these subjects will be honored on commemorative postage stamps; and

WHEREAS, the Pittsburgh Steelers of the 1970's are a voting subject on the 1970's ballots among the Sports category; and

WHEREAS, this region supports their Pittsburgh Steelers and supports the initiative for the "Team of the Decade" to become a postage stamp and receive their due recognition.

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby declare Tuesday, September 8, 1998 as "Vote for the Steeler Stamp" day in the City of Pittsburgh.

BE IT FURTHER RESOLVED, that the Pittsburgh City Council encourages all citizens to cast their vote for the Pittsburgh Steelers in the 1970's balloting for Celebrate the Century.

MR. HERTZBERG moved to adopt the resolution.

MR. DIVEN seconded the motion.

Which motion prevailed.

Mr. Onorato:

Now normally we leave political issues and talking about elections out of these chambers. Once we get here the elections are usually over. We are making an exception today and we also are going to talk about old democratic principles

about how to plunk in the ballots and all the good ways to vote here to make sure that the Steelers win this.

At this time, I am going to ask Ron to come forward and then we will turn it over to Tom too. Ron, if you want too explain the process.

Mr. Lincoln:

Thank you, Councilman Onorato. It's certainly an honor for me to be here today representing the Postal Service and the 9,000 postal employees of Southeast Pennsylvania. Truly it is an honor to be here and talk about a great team of the 70's. As I have said to a number of folks here today that we are not here just to get the Steelers on a stamp. People have to understand that we are commemorating the dominant team of the 70's. But it is not just the team that you commemorate, it is the city and Southeast Pennsylvania and the whole Pittsburgh Steeler fan group that we are here to deal with today.

It's an honor to receive this plaque and to work with Mr. Donahoe from the Steelers to make this not only a getting the Steelers on a stamp, but to also get the most number of votes for any stamp that has ever been commemorated by the Postal Service, outside of Elvis, I believe. But that's our goal; that's our mission.

I just think it shows that the Steelers although they were dominant in the 70's are coming back with their win on Sunday. We are going to work with everybody here and we appreciate everybody's support in making this happen.

We are going to ask some folks

here from the Post Office to hand out ballots before Mr. Donahoe comes up. Basically the best way to make this happen for the Steelers is multiple voting is not illegal. We have a lot of ballots up here. We are going to ask everybody to vote here today. We will take these back and we will put the postage on it.

But what I would suggest that you do is just vote for number 15. It asks you to vote on five different categories. There is a number of different subjects in each of the categories, but if you just vote for 15 then no one dilutes the score because if you vote for three which you can do they all tally up. So if we just vote for 15 here in Pittsburgh we don't have to worry about having it diluted.

With that in mind, I am going to ask Vickie to have her folks hand these out so we can start to get some people started and then turn this back over to Councilman Onorato.

Mr. Onorato:

These are one of the issues that definitely has bipartisan support. We don't care if you are democrat, republican, independent we want everyone to vote the same way here. I am going to turn it over to Tom.

Mr. Donahoe:

Thank you, Dan. First of all I would like to say it is an honor for the Steelers to be here. I know Mr. Rooney and Art would have liked to have been here. They had a league meeting today in Chicago they had to attend. But it is a great honor for the Steelers to be considered to be on a stamp. I think it's

great for our organization and it's great for our fans.

I guess if our fans have enough ingenuity to plant a terrible towel in the stadium in Baltimore they can surely come up with enough votes to get us this stamp.

We are going to work hard with the people from the postal authority to try to get this done. I think that all of us recognize that Pittsburgh is a very special place, a very special city. I think one of the things that has always made Pittsburgh special are the people. They are hard working people. They are people with great integrity. The Steelers have always considered it an honor to be part of this city and some small way for us to be considered one of the assets of a great city like the City of Pittsburgh.

So we appreciate this honor. As I said we are going to work hard to get it done. We would appreciate all of our fans out there getting behind this and vote early and vote often and let's see if we can get this accomplished. Thank you very much.

Mr. Onorato:

Ron wants to come up and talk about a few things.

Mr. Lincoln:

Actually what I would like to say is this whole group outside of Tom and Tad Kelly back here are the folks who are putting this together working with the Steelers, working with the high schools, working with all the organizations acrossed the area to make this happen.

Vickie Fetchik would come up.

She can introduce everyone to you but I think that it is important they get recognition because they are the ones doing the work, they are the ones who get behind the scenes making this happen. So, Vickie, if you would introduce everyone.

Ms. Fetchik:

Good morning everyone. As Ron said we couldn't do this without the help and support of a lot of postal people. So I would like to introduce the people who are putting the Steelers on the stamp. We have Tim McGinley, he is from retail. We have Less Goldstein, and you have a new title which I am not sure of. We have Tom Milanick who was instrumental in helping us get this proclamation to Mr. Onorato. We have Dave Buzzell and we have Gerry Nichols. We have Bruce Klimchek, Joanne Dorsch, Tammy Avney, Ruth Paterson, and Nancy Cheskey. In the back of the room two of the retail specialist that worked very hard at Pittsburgh Gloria McGaw and Donna Defulipo and in the middle is Carol Munn who helps with ever kind of presentation we do in Pittsburgh also. We want to thank you for your support.

Mr. Onorato:

I think Mr. Diven is trying to raise his hand. You already voted it looks like.

Mr. Diven:

I voted a number of times. There is, I think, people at home should be aware that you can vote over the internet. They have a web site and once a day I have been trying to go in and cast an extra vote. So if we can get people to take two minutes out of their day and cast a vote over the

internet every day until the deadline, we might pick up an extra couple thousand votes that way as well.

Mr. Onorato:

Thank you.

The Chair:

I want to congratulate you and all of you for what you have done. I bought my first Steelers season ticket, I went to the game since I was a kid, but I actually bought my first ticket in '74 when we went to New Orleans. I drove down with four guys in a car. But at the time I don't know if all the young people realize this was just not a football team. This was bringing a whole community and region together when we had lost our steel industry, our jobs, and a lot of people lost their hope and the Steelers were something that brought us back and kept us together. And they did more than just play football for this region.

I want to thank you all for coming. I have my ballot ready to go. Please put a stamp on it for me.

MR. ONORATO PRESENTS:

No. 738 WHEREAS, Neighborhood Legal Services Association is a private, non-profit corporation founded in 1956 to provide free legal services to low-income clients facing civil disputes; and

WHEREAS, Dorothy Ann Richardson was born in Monongahela, Pennsylvania to Leonard and Anna Mae Batch. She married James (Doc) Richardson in 1943 and had two children,

three grandchildren, and two great grandchildren; and

WHEREAS, Dorothy currently resides on the North Side and while she enjoys reading and shopping, her most rewarding experience has been working in the communities helping low income persons; and

WHEREAS, some of Dorothy's achievements include: an appointment to the North Side Human Resources Committee, established the Community Release Agency, founded the Central Clients' Council & Clients' Council of PA, is a National Legal Aid Defender Association Board Member and was the first client appointed to the Defender Committee, was the first client appointed to Neighborhood Legal Services Association Board of Directors in 1966 and served as NLSA Board President from 1988 to 1990, PA Legal Services Board Member & appointed first Treasurer, was the only client invited to attend the Constitutional Convention in Harrisburg, and is a member of the Black Action Society Board of Directors.

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize and commend Dorothy Ann Richardson for her longstanding commitment to the cause of Equal Justice for All.

MR. HERTZBERG moved to adopt the resolution.

MR. FERLO seconded the motion.

Which motion prevailed.

Mr. Udin:

While they're exiting, could we have the members of Bethel AME Church please join us up front.

Colleagues, I am truly honored to share with the congregation from Bethel AME Church this proclamation this morning. Not only because Bethel plays a vital role in the health of the African American community in Pittsburgh and the general Pittsburgh community as well, but the history of Bethel Church is a history of the city and certainly a history of African American people in the city.

Bethel this year throughout the year is celebrating 190 years of existence. The African American Episcopal Church for those of you who may not be aware goes all the way back to a time just 11 years after the 1776 rebellion that created these United States. That's when two African American men in Philadelphia attempting to worship on a Sunday morning were dragged from their knees and not allowed to worship in a Methodist church in Philadelphia. After that incident they left that church and formed the African Methodist Episcopal Church. That's how it got formed.

Shortly thereafter just 21 years later an African Church as it was called was formed here in Pittsburgh which was the first African American church this side of the Allegheny mountains and in 1808 the Bethel Church began here in Pittsburgh.

It should also be noted that just twenty-three years after it's founding the first school for African American children was formed by Bethel Church. The first school in Pittsburgh for black children was formed by Bethel Church. And that

school came to be known now as Miller Elementary School. Sometimes when you hear Sophie Masloff brag about her younger days and her elementary school days she talks about attending Miller School. It was fine and still is a very fine educational institution.

Bethel Church as you know the whole downtown area here especially the North Side area was the original home of the African American community in Pittsburgh. Bethel Church first was organized down along that area on a street called Front Street then moved to Strawberry Way, then moved later to Wiley and Elm where the civic arena currently is. In '59 moved to their current location at 2720 Webster Avenue.

So even though they have moved to many locations through out their history, the theme for the 190th celebration of Bethel Church is the Lord has been our dwelling place for all generations. So no matter where they move that theme will always carry their dwelling place.

So it's a real honor for me to welcome to our chambers this morning the Pastor Reverend James H. McLemore also Ms. Katie Everette Johnson. Ms. Johnson is a member of a number of different activities in the community not the least of which is the Public Relations Chair for Freedom Corner which you will be hearing about soon. Also Betty Lee Moore is the church historian and many of these facts that I am sure many other facts reside within her records and her memory.

Also Ms. Gloria Wilson is the treasurer of Bethel. Did I get everyone?

Welcome you all to Council and I would like to share the proclamation.

MR. UDIN PRESENTED:

No. 739 WHEREAS, Bethel African Methodist Episcopal Church Pittsburgh is part of a historical denomination which began in November 1787 in Philadelphia, PA; and

WHEREAS, in 1808 Bethel was organized in a home on Front Street, Thus becoming the oldest African American congregation in the City of Pittsburgh; and

WHEREAS, the Church was chartered in 1818 after petitioning the Baltimore Conference of the African Methodist Church to receive the church as a congregation and to send a minister; and

WHEREAS, in 1998 Bethel African Methodist Episcopal Church is celebrating it's 190th Anniversary and the theme for the year long celebration is "The Lord has been our dwelling place in all generations" and reminds us that he has been with the church for all of it's generations; and

NOW THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh congratulates and commends Bethel African Methodist Episcopal Church for 190 years of historical presence and spiritual purpose.

MR. HERTZBERG moved to adopt the resolution.

MR. FERLO seconded the motion.

Which motion prevailed.

Mr. Udin:

I would like to present the Pastor Reverend McLemore.

Reverend McLemore:

Mr. President and Councilman Sala Udin it is certainly a pleasure to receive this award on behalf of the officers and the members of Bethel African Methodist Episcopal Church. We are thankful to be able to be here to receive this award and also to commemorate and realize that just as AME Church has shared in the history of this nation, Bethel AME Church has shared in the history of this city.

Of course we are dedicated to continue to not only strive for excellence in education but also civic service and to be a forerunner in uniting and strengthening this great community of the City of Pittsburgh.

So we are thankful and grateful to all of you for presenting this proclamation to us. We hold it very dear to our heart. We are thankful for this opportunity to appear and receive this award. I thank you.

Ms. Moore:

Good morning. Bethel Church is still at 2720, the church with the family ministry. We're the church on the hill with a mountain top experience. This is our motto that our pastor the Reverend Dr. James McLemore has adopted for us. We are working towards that end.

We still are in the caring, the sharing and the giving business. Please come by and see us sometime. Thank you.

MR. UDIN PRESENTS:

No. 740 WHEREAS, Bishop T.D. Jakes, author, conference speaker, artist and Pastor of the Potter's House Church in Dallas Texas - has dedicated his life, time and talents to the spiritual, social and economic enhancement of millions throughout the world; and

WHEREAS, Bishop Jakes is author of 18 books, including the multi-million bestseller, "Woman, Thou Art Loosed!", conference speaker to crowds of more than 50,000 and host of the nationally broadcast television program, "Get Ready!"; and

WHEREAS, Bishop Jakes, being a major contributor to said growth and enhancement of individuals across the nation continues to build upon this by bringing his Crusade - dedicated to the reparation and restoration of thousands through his message of hope and healing, to the City of Pittsburgh, David L. Lawrence Convention Center; and

WHEREAS, Bishop Jakes having a major, life - changing impact on people from various cultural, ethnic, and social and economic backgrounds, through his ministry, has bridged and continues to bridge the gaps that commonly divide people; and

WHEREAS, Bishop Jakes, in addition to bringing people from various denominations together, has also broken down racial and gender lines within the community, through his practical teaching based upon biblical truth and instruction, in an effort to dispel racism on every level; and

WHEREAS, he has been instrumental in motivating women and men to press past their past, reclaim their future and walk into their destiny, despite former wounds, hurts and undesirable situations and circumstances,

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh joins T.D. Jakes Ministries, and his Pittsburgh followers in honoring Bishop Jakes for his selfless service and commitment to Pittsburgh and various other communities around the world.

MR. RICCIARDI moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Linda has informed me when we bring guests up for proclamations. I didn't want to embarrass anyone today. I don't think we will have a problem. But ask them to give their name and address so that we can send them the proper follow up and know who they are for the record. So in all of our future proclamations.

We now move to presentation of papers.

MR. DIVEN PRESENTS:

No. 741 Resolution authorizing Raymond V. Demichiei, Supervisor, Bureau of Communications, to execute on behalf of the City all required forms and reports for disaster relief under the Federal Stafford Act.

Which was read and referred to the Committee on Public Safety Services.

MR. DIVEN moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. COHEN seconded the motion.

Which motion prevailed.

MR. FERLO PRESENTED:

No. 742 Ordinance amending Title Six, Article One, Regulated Rights and Actions, by requiring certain contractors to clearly mark their company name and phone number on metal plates used during temporary excavation of City streets and right-of-ways. **(SPONSORED BY MR. FERLO).**

Which was read and referred to the Committee on Public Works, Water and Environmental Services.

No. 743 Ordinance amending the East Liberty Redevelopment Area Plan to include the East Liberty Nabisco Plant. **(SPONSORED BY MR. FERLO).**

Which was read and referred to the Committee on Planning, Zoning and Land Use.

No. 744 Resolution authorizing and directing the City Controller to deposit all proceeds received from the outdoor advertising on bus shelters into the "Shade Tree Trust Fund". **(SPONSORED BY MR. FERLO).**

No. 745 Resolution authorizing and directing the City Controller to create a special trust Fund, to be designated as the "Shade Tree Trust Fund", for the deposit of cash and contributions and authorizing the use of the funds deposited therein by the Department of Public Works for any and all expenses associated with the operation and implementation of projects related to the planting and promotion of trees in the City of Pittsburgh. **(SPONSORED BY MR. FERLO).**

Which were read and referred to the Committee on Public Works, Water and Environmental Services.

MR. FERLO moved to suspend Rule 8 on the last two regarding the shade tree commission by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MS. MCDONALD PRESENTED:

No. 746 Authorizing the Director of the Department of Parks and Recreation to enter into an agreement with the Brightwood Athletic Association to facilitate the receipt and disbursement of grant monies received by the City of Pittsburgh from the Pennsylvania Department of Community and Economic Development.

Which was read and referred to the Committee on Parks, Recreation and Youth Policy.

MR. ONORATO PRESENTED:

No. 747 Resolution authorizing the City Controller to create a trust fund designated the INFORMATION PRODUCT TRUST FUND for the depositing of funds from the sale of products in various media forms and related documents; and further authorizing the Department of City Planning to enter into Agreement(s), from time to time, with Contractors/Vendors for the use of INFORMATION PRODUCT TRUST FUND monies for the purchase of equipment, software and related materials for the INFORMATION related program; and further, authorizing the Department of City Planning to utilize INFORMATION PRODUCT TRUST FUND monies for operating expenses of the INFORMATION related program.

Which was read and referred to the Committee on Planning, Zoning and Land Use.

UNFINISHED BUSINESS

MR. O'CONNOR PRESENTED:

No 684 Resolution authorizing the appointment of John Staudacher as director of city information systems.

Mr. Ferlo:

I just wanted a clarification. I thought we were interviewing him last week as a courtesy that you had decided that we didn't have to confirm the appointment. Are we asking for report to

receive and file or a confirmation of the director?

The Clerk:

Letter informing Council members of the appointment of John Staudacher.

MR. FERLO moved to receive and file.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

On Committee Chair Reports. Mr. Cohen on Lands Buildings and Procurement.

CHAIR REPORTS

Mr. Cohen:

Thank you, Mr. President. I will speak this morning about a few subjects. One is the Public Hearing on cable television coming up tomorrow night. A little bit about the fleet City County Building and then Civilian Review Board very briefly.

The first issue is the Public Hearing tomorrow night on cable television renewal, franchise renewal. It is a very important Public Hearing, it will be at seven o'clock tomorrow evening. I thank the indulgence of the Council President and the rest of Council for having an evening Public Hearing but it will allow for more citizens to participate.

This hearing is an important step in the process of deciding what Pittsburgh's

future will be in the field of telecommunication. Citizens have been asked to speak tomorrow night on TCI's past performance under the franchise and also Pittsburgh's future cable related needs. But I want to make it clear that this hearing and this whole process is more than a gripe session against TCI's excessive rates. It really is customer service, economic development, and community interaction all in one.

On customer service it is critical that cable subscribers have better service from their cable company than they had in the past. That means not having to wait a half-hour on the phone if you are trying to call your cable company. That means not having to sit at your home all day for an installation or a service call. Those types of customer service issues are very important. But it is also much more.

Over 100 years ago city leaders sat in this chamber deciding when and where to build roads and bridges and water lines and sewer lines. This franchise renewal process is such that we will be performing really the same function in the field of telecommunications. We have to have a state of the art cable communications system so that our citizens and our businesses can receive and send information and products at the highest and best level.

We also need to be on the telecommunications. A list of cities for companies who want to start a business here or companies who want to move here. That means things like a wider bandwidth. That means a greater capability for video and voice and data information. At the same time we want to have our government buildings, our schools, our

libraries, our community centers wired for high speed internet access so that our citizens especially our children regardless of income have the resources available to grow and develop.

We have to also maintain our public access channel, which is called PCTV so that our community has a strong voice on these issues and a number of the speakers tomorrow night will be from PCTV.

These are just some of the issues, Mr. President, that will be discussed at the Public Hearing. We have 41 citizens who have signed up to speak. So obviously it's important to the people of Pittsburgh. I think we will get many more in fact. We also would very much like to hear from businesses not just residential subscribers but also businesses to tell us what they need to be able to make a better product, to be able to send and receive information more quickly. We have invited TCI to make a presentation, which they're required to have the option to do. We have the Cable Advisory Committee coming to make presentations as well.

So I hope that as many Council members as possible can make that hearing and that this will really kick off an important process.

At the same time remember AT&T has bought out TCI. Something called a merger so that issue has to be addressed as well. We have not yet received the trigger letter. The important letter from AT&T saying that they want our approval for transfer. That should be coming relatively soon. So that is, of course, a very important issue as well. That's really it on cable television. Hopefully we will be

able to make the meeting tomorrow.

A couple of other quick issues. One is on the fleet management. Guy Costa and I spoke about an important environmental program that the General Services Department will be implementing soon for our fleet. We are actually going to purchase 11 new by-fuel cars this year through a federal and state grant. The reason they're called by-fuel is because they use natural gas as well as liquid fuel. We are going to be trying to have them use natural gas. We are going to buy 11 this year and 12 next year and these grants allow us to take these steps toward cleaning up the environment. It is a step that I think may turn into a much larger step in the future.

At the same time the city is going to be auctioning off 200 vehicles on September 26. That's going to take place at the garage under the 31st Street Bridge. So certainly people will get information about that soon. But there will be a big auction coming up. Ten new police wagons are going into service right now on a daily basis.

Moving to this building which has been a topic of a lot of conversation, a lot has happened. Let me just really run through them. Stairwells have all been completed. The painting of the third and fourth floor hallways has been completed. The painting of the fifth floor hallway is in progress. The freight elevator is the next elevator to be upgraded. We are waiting a funding resolution on that.

The ladies room on this floor, we are seeking bids for that, that's going to happen soon. As you all know the cleaning of the two porticos has been

done. In order for this to happen, every year we need to have a contract with the county so that we do all the cleaning and maintenance and the county reimburses us. Discussions have been going on for sometime. There is an agreement in principle now with the county that we will do that work and that they will reimburse us. However, a cost estimate is being put together now so that we put a figure on that as to how much the county will pay us for it and a cooperation agreement is going to be drawn up soon. So I am sure that will come back to us soon.

Finally, just on the Civilian Review Board issue. We are going to have a Post Agenda Meeting on this but do I want to make something clear after talking to the General Services people. Jeff Horan and Jeanie Myers the Purchasing Director met with the Executive Director of the Civilian Review Board a long time ago, several months ago, to walk them through all the procedures on buying equipment and furniture. The General Services Department would like to continue that, that kind of relationship so that if the Civilian Review Board needs certain things for their operation that they can go through the General Services Department.

Obviously I know there will be a lot of issues coming up at the Post Agenda Meeting. I want to make it clear that early on in the process we had two representatives from General Services sit down with the Civilian Review Board and I hope that that process will continue. That is pretty much it, Mr. President.

The Chair:

Your meeting for tomorrow night

our Public Hearing sounds like it will be very exciting. You have over 40 speakers now. I just remind Council it will be at seven o'clock tomorrow evening. Also we have, while on the subject, we have a meeting, a Public Hearing, Thursday. At ten o'clock Thursday morning, conditional use in Oakland Avenue and South Bouquet Street.

Mr. Ferlo:

Mr. President, just under Public Hearings, I would hope that we can take the offensive and make it clear to everyone speaking that Council has very little control over both TCI rates especially the rates that people are most concerned about. We even have little control on a lot of everything to do with TCI thanks to the great wisdom of the previous Congress regarding the cable rates.

So I want to reiterate that concern. I think this Council is certainly lead by Councilman Cohen over the last half decade has done as much as we can do, we have been as most striving as we could possibly be to be good advocates for consumers as it relates to their cable bill and service. We have gone the extra mile. We have hired consultants, we have engaged in litigation, we have filed before the Federal Regulatory agencies. I think we have done as much as we can possibly do within the constraints and limitations of the law. So if anything, I think, we have a common course tomorrow night with the consumers that I am sure that appear before us.

I am concerned that some people speak not just kind of a general litany of why they are upset with their cable bill rate and disservice. We need to get certain

types of testimony on the record tomorrow night. Councilman Cohen I am sure is working on that. We need to establish a record so that later on when we negotiate formally with the TCI and/or some other company or entity we have a better breath of issues to discuss in terms of rates, service and the like.

So I hope that is being thought about in terms of tomorrow night. But secondly, as part of this process I hope that we will not just give up our right to intervene if it is appropriate in the actual AT&T/TCI proposed merger. I think we have a better chance on that issue than we have on utility companies issues to press for better service, better rates cafeteria menu and the like.

I am sure Councilman Cohen is thinking about that issue. The administration is probably thinking about that issue. So I think in addition to the Public Hearing tomorrow night and renewing or changing the contract with TCI, I hope we are not giving up this whole issue AT&T/TCI merger because it is not clear to me that there has been many options left open to us. It is not like a lot of companies that are possibly going to come into the area. We had hope several years that the phone companies would get into the business and compete. As is typical under great capitalism system instead of competing we just have merger mania and more monopolization that is certainly going to happen with AT&T and TCI.

Mr. Hertzberg:

Thank you, Mr. President. And thank you for that report, Mr. Cohen. On the topic of vehicle purchases, I received

some information. I don't know if it's completely accurate but earlier this year that the refuse vehicles were some of them were getting on the older side, the mileage is very high. I didn't hear that as one of the types of vehicles that would be purchased next year. I hope you and Mr. Costa can discuss that. I hope the condition of those vehicles isn't getting pushed aside while everything focuses on the issue of whether or not to privatize refuse collection. I have no idea whether there will be any merit to that at all. I hope we don't lose site of the equipment in refuse while we are thinking about that and put ourselves at a disadvantage in anyway at all. I hope we can look into that.

The Chair:

On the garbage trucks, I am on the Equipment Leasing Authority and we just signed to rehab, not buy new, but rehab 12 new trucks for a half million dollars. So, at least they're keeping them going because they do have a lot of miles on them. I am sure they are waiting until after we have made a decision on the privatization or where we go in the future. We are upgrading what we have.

We had a tragic accident happen, it was old equipment we can't let our people go to work, the safety of our residents and our employees we have to make sure they're up to top order, and I don't know that that has been the case. So we do have a half million dollars to refurbish 12 of them.

On the TCI, if I may follow up. I think tomorrow does is TCI is running a business. They would hear from their constituents and hopefully it would be out

whether it be a phone call service, what is needed I think they're setting a good forum to send them a clear message of what we expect. I know as Mr. Ferlo said we don't have a lot of control over pricing. There maybe a lot of things people think we can do, but hopefully TCI is paying attention and listening to their customers because there is a renewal franchise coming up very shortly.

Mr. Cohen:

Just briefly on that. You and Councilman Ferlo raised important points. It's absolutely true that we do not have much control at all over rates any more. Congress has taken away even the limited rights we had before. The best time though for cities to assert their rights and the best time for us to assert our rights with respect to TCI or any other cable provider, is franchise renewal. They want that contract.

That contract expires October 31, 1999. We have the ability to negotiate with them not on rates because the Federal government has said we can't do that, but on a lot of other issues that we just mentioned including customer service, including upgrading our system, wiring our libraries and our community buildings. We gave TCI in the first meeting that we had with them recently, we gave them a list of seven general categories that we want them to improve for them to have a chance of renewing their franchise. So this is really the time. I invite Council members as well as all citizens to use this time the best way we can.

Mr. Ricciardi:

Just a few remarks. First, I would

like to thank Councilman Dan Cohen who continues to champion the cause of cable ratepayers in the City of Pittsburgh. But also I am very interested in vehicle purchases that Councilman Alan Hertzberg brought up not just for Public Works, but also for the Fire Department. I think it's about time here in the City of Pittsburgh that we begin to look at smaller fire vehicles here in the City of Pittsburgh to protect neighborhoods such as the South Side Slopes of which we started a Public Safety Committee. Unfortunately, it's been off to a slow start because we have yet -- Mayor Murphy has yet to assign a Fire Chief. Once a Fire Chief gets assigned we can kick off our committee.

I just want General Services to know and realize that is something I am going to be very strong about and that is to at least let's begin to look at smaller fire vehicles here in the City of Pittsburgh.

I really believe because of Dan Cohen's work, that is one of the reasons this building has been cleaned up a lot. I want to thank Deputy Mayor Sal Sirabella, director Guy Costa and colleague Dan Cohen who really made this a nice place to visit for our constituents. Thank you.

Mr. Cohen:

Thank you, Councilman.

The Chair:

Moving to reports of committee.

REPORTS OF COMMITTEES

MR. ONORATO PRESENTED:

Bill No. 748:

Report of the committee on Planning Zoning and Land Use for September 2, 1998, transmitting two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 713:

"Resolution amending Resolution 290/1997 providing for an Agreement (s) with various community organizations for operational/administrative expenses, maintenance, purchase of equipment; and/or minor rehabilitation of neighborhood facilities for the benefits of the City of Pittsburgh at a cost not to exceed \$134,250.00" so as to delete one project "Perry Athletic Association" and adding one project "East Northside Action Committee". (SPONSORED BY MR. ONORATO).

Which was read.

Also,

Bill No. 714:

Resolution repealing Resolution No. 479/1998, entitled, "providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of HUD for a grant in connection with the 1995 CDBG Program" by deleting \$4,000.00 from Perry Athletic Association and adding \$4,000.00 to East North Side Action Committee is Hereby Repealed. (SPONSORED BY MR. ONORATO).

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills. Bills are now read for final action. All in favor of the passage of the bills vote aye when names are called; all those opposed vote no.

Clerk, please call the roll.

The aye and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES **Nine** **NOES** **None**

Bills have received the legally required number of votes and are passed finally.

The Chair:

That's all we have under reports of committee. Anything under motions and resolutions.

MOTIONS AND RESOLUTIONS

MR. RICCIARDI PRESENTED:

No. 749 WHEREAS, the American Serbian Club located on Pittsburgh's South Side maintains its principle place of business and conducts its principle activities in the City of Pittsburgh; and,

WHEREAS, the Applicant desires to operate small games of chance and/or conduct raffles to generate funds to finance its operation and further its purpose: and,

WHEREAS, under the Local Options Small Games of Chance Act, as amended, the applicant must procure a Resolution from the governing body of municipality in which the association conducts its principle activities, affirming its status as a civic/or service association authorized by its Articles of Incorporation and/or Bylaws; and

WHEREAS, THE AMERICAN SERBIAN CLUB is an organization created to celebrate the culture and heritage of the Serbian people.

WHEREAS, the American Serbian Club desires to operate certain small games of chance and/or conduct raffles to generate funds for programming to further their purpose.

NOW THEREFORE, BE IT RESOLVED that the Mayor and the City Council of the City of Pittsburgh hereby recognizes and declares the American Serbian Club located on the South Side to be a civic and/or service organization within the context of the Pennsylvania Small Games of Chance Act, as amended.

Now therefore be it resolved that the Mayor and the City Council of the City of Pittsburgh here by recognizes and declares

MR. RICCIARDI moved to adopt.

MS. MCDONALD seconded the motion.

Which motion prevailed.

The Chair:

Anything else under motions and resolutions?

Mr. Ricciardi:

I would just like to be bring up a matter. It appears that every time I run into a policy that I think is ludicrous I always like to bring it before this body and mention some of the facts. Then ask our Clerk, Linda Johnson-Wasler to use her very able staff to try to get through the bureaucracy.

Colleagues, we have a number of very professional community and block watch groups here in the City of Pittsburgh that work very hard to improve their neighborhood. For example, the upper Knoxville Block Watch put together a list of 24 abandoned cars. These are cars with number one, expired registration stickers on the license plate, and number two, with expired inspection stickers on the windshield.

Now in the past it was very easy to get these cars towed as all of our Colleagues know. You make the call either to the Mayor's Service Center or Chiefs office and you become on a list and within a reasonable amount of time the car is towed. Well let me give you an example of what I have been going through with one vehicle on Saint Paul Street in the South Side Slopes. That's the reason I really question how long it is going to take the administration to move these 24 cars.

There is a new policy in city hall.

That is number one, that the individual now receives a Certified Letter from City Hall asking them to move the vehicle. Now that sounds reasonable at first. Unfortunately, I think the time lag is much much too long, it gives the person six weeks to move it. So putting that aside here is where comes the problem. If the individual moves this vehicle to another street or even moves the vehicle down 20, 30, 40, 50 yards the whole process starts over. Another Certified Letter another six weeks to move the vehicle.

So we have a pickup on Saint Paul Street loaded with junk, literally junk, expired registration sticker, expired inspection sticker, been trying to move this car for months and months and months. What is happening? All the individual is doing is moving it to another street to another street.

So the Chief's Office informed me of a few things. Hopefully when they move the car, we will be there to see them move it so we can give them a ticket for moving a car with expired registration sticker and expired inspection sticker. It is ludicrous. It doesn't make since.

Number one, yes, I will endorse or support the Certified Letter going to the individual saying get the car inspected, get it moved, get it on private property, get it in your garage, get it off our city street.

Number two, I think six weeks is much, much too long. I think it should be ten days. But number three, it doesn't matter where he or she moves it to another streets or move down 50 yards you start the whole process over. Now Director Sal Sirabella was kind enough to take my phone call and say that he is going to do

some research to see exactly what it is. Is it a state mandate? Is it a state law? I am not sure what it is. But I am hoping Linda Johnson-Wasler, because I am frustrated at this point, can use our very able City Clerk Staff to go through this.

My opinion is that I am turning this in, the upper Knoxville Block Watch Report. We can continue to challenge our community group, we continue to challenge these block watches to help us do some of the legwork and they do very fine work. If you look through this it tells you exactly where the car is located, what is expired, the color of the car, the license plate, when it was turned in, when it was turned into police officer, when it was turned into the Mayor's Service Center.

Now they forward this to me and I am sure they expect myself and the administration to move these vehicles within a certain reasonable amount of time.

So, Linda, if you can please do that research for me. Find out what the policy is. Find out where the mandate or if there is any state law that dictates this. Then after this, if it is not acceptable I will be hopefully drafting legislation or at least a policy that will be followed by City Hall.

Mr. Ferlo:

Mr. President, I don't have a direct response to my colleague, Mr. Ricciardi, but since he's speaking about this issue. I don't want my constituents to have any confusion about abandoned vehicles or cars in my Council District. If anybody has an abandoned vehicle if they would immediately call me or my staff at 255-2140, we have successfully for many

years and we will continue to get rid of vehicles, inappropriate vehicles on city streets ASAP.

So please if anyone has an abandoned car, I don't want to hear any excuses from anybody. If you are having a problem, you call me. My home number is listed also, it is in the phone book. My work number is 255-2140 and we will continue to get rid of cars ASAP.

If I have ever had a problem I tell you what I do, I move the car out in the street on the right of way. They have to call the police and the city tow truck and it's gone. So please if anyone listening in my Council District if you have any problems. I don't want to hear any excuses, any problems. I don't care if it is a car that is a drug drop, it is a car that stinks, if it is a car full of garbage if it is a car that is corroded and street sweeper can't get by, and there are 15 tickets on the car, please call me ASAP, 255-2140. I will get rid of the car one way or the other. Thank you.

Mr. Onorato:

I just want to comment on this whole issue. Because every one of us deals with this issue all the time. I have some that have been moved quickly, some that stayed a little longer than others.

But this is just another issue of the so-called quality of life problems that we have in the city. If we can't respond to them quickly, this is just another example of people wanting to leave the city because of the neighborhood.

A list that big in one neighborhood that's unacceptable. One car abandoned is

unacceptable. I would make a suggestion first of all these should be removed out of here by Friday as far as I am concerned with that list, that's even long. But if they're telling the Councilman that the cars get moved and the 60 days start over, or the six weeks starts over again, I would ask that the police ask the owner if they did move it. If they say yes, then give them a ticket or arrest them for moving a car that is not registered and doesn't have plates. Obviously they just admitted they drove a car on our streets that is not registered.

I feel the same as Councilman Ferlo, I do whatever it takes to get the cars towed. I don't care what the law says. Someone is using the law to do nothing and that is not what the law is intended to do. These cars should be removed from the neighborhood as soon as possible. It's a shame we have to resort to our own tactics to do it because it should be done immediately through the system.

Mr. Ferlo:

I don't want to self-incriminate myself, but there are times we have a car that has a plate, but expired stickers. I have taken plates off the car to get rid of them. There are ways to get rid of cars. Anyone ignorant to salvage and leave a car and create all the havoc in the quality of life in our communities we should do whatever we need to do.

One of the problems that we have unfortunately and I think we need to have a Post Agenda meeting on this, Mr. Ricciardi. We have to realize we have to rely on a police officer being there in order to expedite the tow. We should have Building Inspection. Building Inspection

should be able to get rid of that car, personnel from Building Inspection, personnel from Public Works who is concerned about the street's right of way. It shouldn't have to be just a uniformed officer. It could be a modified duty officer.

I wish we could be a little more creative about how we utilize our city work force in order to get rid of these vehicles. Thank you.

The Chair:

I certainly commend you for taking your calls at home. I had one at 7:30 this morning on a different issue. But I think to get to the root of the problem as Mr. Ricciardi is bringing up, it shouldn't have to go that far. I would urge him and Public Safety we have beat police officers, we have Public Works people out there. When they see those cars all it takes is a phone call to be moved. I think too many people, again I have been very critical of the police force hiding behind technicalities.

I think it's going to take leadership from the Mayor's Office and the Police Chief to say hey, don't hind behind every technicality, move the car, move the person, whatever it takes.

So far as Mr. Onorato is saying there are a lot of quality of life issues this Council is addressing but our hands are tied. I don't think we should be the ones. Although I credit you for doing it, that should be the last resort. If they start doing their job it wouldn't come to us.

Mr. Ferlo:

I don't want to make sense based on Mr. Ricciardi's comments, which I agree with most of what he's explained that somehow we can't get cars. I spent a lot of time; my staff has spent a lot of time getting rid of cars. I think Mr. Ricciardi's points are trying to explain some of the systemic problems that we should try to resolve. I have always been perplexed.

You have a chauffeured parking enforcement officer that runs around the streets based on the street cleaning and they multiple tag cars. They make the efforts to ride out to the Mayor's Complaint Center, they tag the car twice, and it has been there for two weeks and the street sweeper couldn't get by. I mean, can we just have a little bit of creativity?

The Chair:

We certainly booted them and we spent money. I think five years ago on this computer system that no one uses shows that this car is owned by --

Mr. Ferlo:

Push them out on the street and call 911.

Mr. Ricciardi:

Different issue. Thank you colleagues. Again, I will be brief. I believe last week or the week before I did raise my concern regarding the policy of the Chief that just put down 20 percent transfers throughout the City of Pittsburgh.

Number one, I did read the consent decree. Article 30, page 19 of 40 does say the City shall develop a rotation schedule that ensures that officers regularly are

supervised by and work with different officers. It does not list the percentage of 20 percent. I think 20 percent is much, much too high. It is not accepted by the taxpayers of the City of Pittsburgh. I don't believe it is mandated or called for by the consent decree. I don't think it is good policing.

I would like to put this into the record. I have here a petition from Oakland residents, all of Oakland, not just from my district, hundreds of names that were collected within I believe just two or three days. They are bringing up the same concern. I also have the transfer list of September 4th police officers and we are losing some really good solid police officers out of our zone. Now other people are coming in too that are good solid police officers, but they are starting over. They are unaware of the dynamics of the neighborhood. They probably don't know where all of these abandoned cars are, which the present ones do.

I just want to make it clear that the Oakland residents are opposed to it and also the consent decree does not mention the 20 percent number. So I am looking forward to the Post Agenda that is being set forth put together by Councilman Diven.

Mr. Diven:

I did want to announce that the date has been set for that Post Agenda. It is Thursday, September 17th, at 2 p.m. I am sure we can have a big discussion on not only transfers and the impact of the consent decree but a number of the other things that we raised in last Tuesday's meeting.

The Chair:

I know Mr. Udin has scheduled September 16 at two o'clock on Wednesday discussion on the Citizens Police Review Board and the purchasing update. So we have a lot of Post Agendas.

Mr. Ferlo:

Can we have a clarification of the Day of Caring in terms of our schedule? Have we modified our meeting schedule?

The Chair:

What is the date? I am sorry I don't have that.

Mr. Ferlo:

Tomorrow. A lot of folks will be involved in the Day of Caring. I know Councilman Onorato has been active and his staff on the Day of Caring. We have a super playground project this year.

The Chair:

What time are your projects starting?

Mr. Ferlo:

I don't know how many colleagues are going to be here but I thought we made some modifications on that? We usually do.

The Chair:

No one has brought it to our attention until now. Linda, has anybody mentioned it?

Mr. Ferlo:

I would ask that you and the Clerk poll Council members and see who has obligations tomorrow for the United Way Day of Caring.

The Chair:

We can review the meeting and whether the agenda is too long or we can make an adjustment.

Mr. Ferlo:

A lot of us are going to have on work clothes, sneakers and paint on us.

Mr. Ricciardi:

One other issue. As you know we have six neighborhood employment centers throughout the City of Pittsburgh. They are funded through the Pittsburgh Partnership, which is also funded by this legislative body.

Mr. President, I can speak for the one SPERT, South Pittsburgh Economic Revitalization Team, they have placed 128 individuals. They also have helped hundreds of people writing resumes and through job interviews. I just found out that all six neighborhood employment centers have been notified that they would not be funded through the Pittsburgh partnership. That the Pittsburgh partnership will now fund the one stop shop located at the ALCOA building. That's not smart government.

I just think that we should not centralize our neighborhood employment centers in the ALCOA Building. I think it is not smart. I think they should be

decentralized through the neighborhoods. Just looking at the one that is at the Henry Kaufmann Center, employed 128 people, a lot of young people feel comfortable in their neighborhoods. They know the people that they're dealing with. They are able to get recruited. We are able to reach out to them. We are able to just walk along the streets and walk them down to the center, and employ 128 people.

I would like Linda Johnson-Wasler once again use our very abled staff to look into this matter. I am opposed to it. If the Pittsburgh Partnership does not fund the six-neighborhood employment centers throughout the City of Pittsburgh, and in particular the one in my district, I will not support funding of the Pittsburgh Partnership through the legislative body.

Once again they're making policy and they're not informing us. We are their funding mechanism. I don't understand the administration's thinking in all of this. We should not be pulling out of the neighborhood. We should be coming back into the neighborhood.

I mean this as a compliment to you, Mr. O'Connor, you continue to talk about getting back into the neighborhoods. We have all supported downtown Pittsburgh, it is an economic generator but what is going on at the ALCOA building? My opinion, and I will say it publicly, we have an elitist organization and an elitist umbrella that is trying to bring everyone into the ALCOA Building so they can make not an excuse but they can defend reason. They are all in the ALCOA Building. Why the ALCOA Building was turned over, so they could pay rent to make sure the ALCOA Building is able to maintain itself and what are they doing,

they're pulling out of the neighborhood employment centers.

Mr. Ferlo, let me please say that I know you have always been a big supporter in the past of the NEC. So, I am looking forward to hearing your comments during the funding. But I will not support funding to the Pittsburgh Partnership if they close the neighborhood employment services.

Mr. Ferlo:

Yes, first of all I want to thank Councilman Ricciardi for bringing this issue up today; I was about to speak on. I was not aware of this and I don't even know if my colleagues were aware of this. I didn't learn until this past Friday what Mr. Ricciardi was just explaining. I understand the fact that under the Federal law we have to have a single point of contact initiative as it relates to the JTPA and the partnership employment.

I also understand the state's initiative where the so-called unemployment centers are becoming more employment centers. I don't object to that. But Mr. Ricciardi's point is well taken. I think there is a clear definable constructive efficient and effective way in which the neighborhood employment centers have operated for the last many years.

So I guess I am amplifying Councilman Ricciardi's concern. But I think we really need to have a specific Post Agenda Meeting with Director Purees and the Partnership representatives to better understand what their requirements are in terms of this single point of contact or whatever they're calling it in terms of their federal requirement under the JTPA.

But I don't see why it has to preclude necessarily continued funding in support of the neighborhood based employment initiative programs that we fund. So, I think rather than Mr. Ricciardi's suggestion to just follow up. I think we need a formal meeting at the table I will be glad to defer to Council President to help set the meeting. I think it should be televised and I think we should invite the board members and the representatives of the various community based employment initiative programs and any other interested parties.

I also have concerns just generally about the ALCOA Center. There are many public buildings that have a higher degree of identification on the part of people seeking employment or seeking enhanced employment as opposed to the ALCOA building. But the bottom line is we should evaluate. I think many of us have the effectiveness of the neighborhood employment centers and regardless of what the federal requirements are we should continue to find a way to have their continued funding and organization.

So I would ask that we have a formal meeting ASAP. But Mr. Ricciardi does raise a good point. It is always the case that we never hear about this. I heard about this from the Bloomfield Garfield Corporation on Friday, Mr. Ricciardi may have heard about it from his folks in the SPERT or south of the river employment center. The administration knows how adamant and how concerned Council has been on this issue. In fact, it was this Council several years ago that intervened in order to restore some funding for the neighborhood employment centers. We have talked about computerized operations at the centers. We keep involving the

centers when we are doing neighborhood employment, like the new shopping center in Lawrenceville. We did a job fair at the Lawrenceville Moose several hundred people came. I know over 45 people have been hired from my Council District at that shopping center. That is a concrete visible way.

If we are ever going to change Doctor Bangs, I think his name is, report, from the University of Pittsburgh regarding poverty and underemployment and lack of employment opportunities for city residents, it has got to be that neighborhood based initiative, and that neighborhood based linkage. Why are we cutting that off now? Benchmark Report, excuse me. It just doesn't make any sense and I would ask that we have a formal meeting ASAP.

The Chair:

I think it's perfect timing. By coincidence I found out late Friday because I was asked to fill in for the Mayor who is out of town. I gave an opening address to a national convention who is here from all over the country addressing the same issue. This is a federal law that is saying everything has to be condensed under one stop shop.

I am not against the one stop shop, but just thinking out loud and as Mr. Ricciardi said what is wrong with satellites in our neighborhoods and continuing this good work? There is a lot of positives that can go into one place because the Veterans Administration may be here, there may be training program schools, whatever under the one shop, but I think we have to enhance it even better. What Mr. Ricciardi brings up and you are bringing

up it is something that we have to be on top of. We certainly don't want to lose that neighborhood impact that we have had. So, I will set a meeting up.

Mr. Ferlo:

These neighborhood employment offices staff these boards, they had better start shaking a leg and speaking up. Everyone is quiet in this town. Especially at the Murphy Administration, it is like they get a little bit of gravy and it is like they are all quiet. These neighborhood groups had better start speaking up about what is going on in this city.

The Chair:

We are finding out unfortunately late, but let's try to do something about it.

I had one other issue to bring up. As everyone is doing we are reading the newspaper and watching CNN. I have a habit late at night pushing the buttons and watching the news. It seems like for the last six months all we read about and hear about is Monica and Bill. It is a sad state of affairs, underline the word affairs, in Washington. It took a terrorist attack, attacking terrorists and a plane tragedy to take it off the news for maybe a day, day and a half.

But really what warms my heart in maybe the last couple of days is a father and a grandfather and a little league coach and baseball player. What is happening to our country right now a positive with this McGwire and Sosa I think it is great for America, it is great for baseball.

Our whole family sat all afternoon watching and waiting to see if he would

hit the 61, which he did. I am sure we will all be watching this afternoon, tonight, the next couple of days. I think he has done a lot of things. It has taken our minds off of the problems in Washington and the sad state that I said, but also it has really given us something to get excited about.

It is what Mr. Onorato said this morning about the Steelers, what the Steelers did in the 70's for Pittsburgh. I think these two gentlemen really bring us all together, our hopes and dreams again and also baseball. It shows that baseball isn't dead. I have been fighting this for the last two/three years.

I think baseball is an institution and it really brings us together whether you are playing little league, watching your kids play little league, or you are watching major league teams and major league cities like Pittsburgh. I thought we as a Council would be the first to send a congratulations letter to Mr. McGwire and also Mr. Sosa and what they have done for all of us. Hopefully by the time the letter is written and we can sign it will probably be 62. So I would like a motion to endorse a letter to him.

MR. RICCIARDI moved to adopt.

MR. FERLO seconded the motion.

Which motion prevailed.

The Chair:

Also, to the League Chairman and President of the Leagues, that we are thankful for them and what baseball has done for all of us. This country, I think, really needs it and it is odd that this is the time baseball is rising above all the things

we have seen on the news, the negatives. I think it leads us to at least it gets me to feel great about our country again. I want to thank you for that and Mr. McGwire and Sosa for what they have done for all of the youth of America.

Mr. Cohen:

And our City this was a great baseball weekend in Pittsburgh. I went to the game on Saturday night and saw Sosa hit number 58 but it as a wonderful turnout. It was great to see that stadium filled for a baseball game again. It was certainly a great weekend for Pittsburgh.

The Chair:

I went last week but I got there late and missed McGwire, but my kid saw it.

I was curious in the news, Jimmy is old enough to remember and I listen to everyone. I was surprised to hear the news media say it wasn't such a big deal. That is all we heard about. The difference was there was only like three channels and not 50 stations to watch. But it is certainly good to watch. It has made it bigger than life and maybe baseball is bigger than life.

I am very excited about it.

Ms. McDonald:

Just on a lighter note, to Mr. President, congratulations for making the social column in the PG, hey that is big time when you monopolize that social section.

So, congratulations and I wish much success in the next boat ride.

The Chair:

If you did miss the paper, my wife actually had her picture in Saturday's paper with my grandchildren and an article in the paper yesterday about living in -- I live in the house my wife was born in. So Pittsburgh is the highest population that has that. I think it is 20% of Pittsburgh actually stay in their family homes compared to no where else in the country that does that. My wife is very excited she got more press than we did this weekend.

Mr. Ferlo:

It was a nice boat ride.

The Chair:

It was an excellent boat ride and thank you all for attending. If I can thank you and the 1500 people that came. It was a great event for all of us.

With that can I have a motion to approve the minutes?

MR. COHEN moved to approve the minutes.

Ms. MCDONALD seconded the motion.

Which motion prevailed.

MS. MCDONALD moved to adjourn the meeting.

MR. DIVEN seconded the motion.

And on the motion made by Ms. McDonald, the meeting adjourned.

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED THIRTIETH COUNCIL

BOB O'CONNOR..... President
LINDA M. JOHNSON-WASLER.... City Clerk
JOHN R. MASCIO..... Deputy City Clerk

Pittsburgh, PA
Tuesday, September 15, 1998

PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Diven	Mr. Ricciardi
Mr. Ferlo	Mr. Udin
Mr. Hertzberg	Mr. O'Connor
Ms. McDonald	(Pres't)

The Chair:

Will you all please rise for the pledge of allegiance and remain standing for a moment of silent prayer for peace and hope throughout the world.

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all.

The Chair:

Thank you. We have many special guests in the audience.

PRESENTATIONS

Mr. Hertzberg:

I am going to call the Western Pennsylvania Conservancy and all the other organizations and individuals responsible for the planting along the Parkway West just outside the Fort Pitt corridor, if you can come forward.

This proclamation is co-sponsored by all members of City Council. This particular new flowerbed just happens to be located in Council District Two. I think it is an area that anyone that lives in Pittsburgh and in fact most people who have visited Pittsburgh even once are familiar if you come in from the airport you go down the Parkway West, Greentree hill and then enter into the Fort Pitt Tunnels. It's right before the Fort Pitt Tunnels.

We have just had a beautiful new flowerbed started and of course for the visitors once they get through the tunnels then you have that breathtaking view.

So we have started with an anticipation of that view, we now have a beautiful flowerbed that's been planted. Let me read the proclamation.

MR. HERTZBERG AND ALL MEMBERS OF COUNCIL PRESENT:

No. 750 WHEREAS, the Fort Pitt Tunnel makes Pittsburgh one of the few cities in the world with a grand entrance, and

WHEREAS, according to traffic studies, about 1 million motorists travel this span of highway each week, passing through the Fort Pitt Tunnel; and

WHEREAS, on Saturday, September 12, 1998, 150 volunteers, under the leadership of the Western Pennsylvania Conservancy and Corporate sponsor Duquesne Light, planted almost 30,000 flowers including pansies, snapdragons, flowering red cabbage and a variety of spring bulbs to create a "Welcome Garden"; and

WHEREAS, the Welcome Garden project, nestled between the inbound and outbound lanes near the Fort Pitt Tunnel entrance, is the largest, most visible and most complex project undertaken by the Western Pennsylvania Conservancy; and

WHEREAS, covering 30,000 square feet, it took 500 truck-loads of fill and top soil placed in the median to raise the floral bed for better visibility and to provide a suitable growing surface to transform the mound into a grand display of floral color; and

WHEREAS, Duquesne Light provided the primary corporate sponsorship in a partnership that involved several organizations including, Eichenlaub Landscaping Contractors, Inc., The Pittsburgh Project, Joe Druzak Contracting, Seven Fields Development,

PennDOT and the Pennsylvania Department of Conservation and Natural Resources Keystone Fund, in order to make the Welcome Garden a reality.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh thanks The Western Pennsylvania Conservancy, Duquesne Light Company and all the community sponsors and volunteers for their untiring efforts in beautifying the City of Pittsburgh with this "Welcome Garden" and surrounding communities with the magnificent floral displays throughout the year.

MR. FERLO moved to adopt the resolution.

MS. MCDONALD seconded the motion.

Which motion prevailed.

Mr. Hertzberg:

Thank you members of Council. Talk about visible flowerbeds, this is definitely the most visible with one million motorists a week traveling by this one.

We have with us today Dan Eichenlaub whose landscaping company helped us out, Paul Kolich from Duquesne Light, Julie Lalo from Western Pennsylvania Conservancy, Jean Grogan from Duquesne Light, Cynthia Carrow from Western Pennsylvania Conservancy, and Kim Carter from the Pittsburgh Project has provided 30 young volunteers to do some labor on Saturday. I am sure some of you would like to come forward and give Council some description.

Ms. Lalo:

On behalf of Western Pennsylvania Conservancy, I am delighted to receive this honor in recognition. It was truly an undertaking on Saturday. Western Pennsylvania Conservancy wants to do its part to help make our region more attractive so that we can encourage people to live and to work in our area, and to get them to be interested in investing and reinvesting.

We're extremely grateful to our partners that helped us pull this off and most especially to Duquesne Light the lead sponsor. Maybe Gene would like to say a word or two.

Ms. Grogan:

On behalf of Duquesne Light I thank you a great deal for this honor. It was a true privilege to work with the Conservancy in making this happen. But things of this grand size and style only happen through a lot of cooperative efforts with many partners. I am glad many of them were able to join us here today. We have enjoyed a long history with partnerships with the Conservancy. This planting is just one of the many projects that we share with them.

We hope that this project really creates a lot more interest in showcasing the city more. Both for the visitors who come here for business and pleasure and for those of us who live here and come into this city every day to work or shop or enjoy all the benefits of the city. We hope to look to other entrances into the city to do the same thing.

One person who was key in the

partnership who came in a little late and wasn't introduced was Dick Skrinjer with PennDOT and I think he would like to say a few words.

Mr. Skrinjer:

Thank you. On behalf of Governor Ridge, the Secretary of Transportation, Brad Mallory, our new District Engineer, Ray Hack, we want to thank you for this opportunity to fulfill our mission. One of the items of our mission is to make the most livable city in America one of the most driveable. We have recently done that with the resurfacing of the Parkway. Now we have the smoothest entrance of any city of Pennsylvania and one of the few cities in the United States that can say that.

With the work that the Conservancy has done and all the other partners we now have the most beautiful ride into any city in America.

Mr. Eichenlaub:

I also would like to thank City Council for their continued support of the program within the city. I have enjoyed working as a landscape contractor with many of these partners. I think the rewarding part is the volunteer groups that come out and get down on their hands and knees and get their hands dirty. I think it's a great way especially when we have so many young people on this particular project but on many of the others it really makes people feel part of their neighborhood.

I am really honored to be part of this group in trying to revitalize our areas for making them more beautiful. I

appreciate that and thank you.

Ms. McDonald:

Mr. President, I would like to ask someone, a representative from the Conservancy. I want to commend you on all of your efforts. I think it's one of the best things that is part of the City of Pittsburgh in terms of a non-profit partnering with the city to beautify the city. It is the best means possible of beautifying and its by far just wonderful flowers.

Thank you for coming into all neighborhoods particularly my neighborhood. But I do want to ask you, as people drive by particularly me, I am being a little selfish here, often times we wonder what type of plantings they are? What is the name of them? Because often times we want to know and we want some in our yard. Will the Conservancy ever make public or available the listings of the types of plants that people see when they pass by in case they want to purchase them themselves?

Ms. Lalo:

We get that question quite often and we have taken steps to disseminate that information about the plant material because we do get a lot of calls.

This year we put together a directory, if you will, of the gardens including the plant material. I think that as we go forward we will make an effort to make sure that that information is readily disseminated and perhaps even with some small signage at the sites. But thank you for your nice comments.

Mr. Hertzberg:

Father Clarke please come forward and anyone else that is with Father Clarke. I know Art Dobbins is here. If anyone else has come in from the community.

Father Clarke has served the Guardian Angels Parish in the West End, Elliott, Crafton Heights neighborhoods for several years. We had hoped to have a West End Elliott joint project representative here. Our Executive Director is ill so he wasn't able to make it.

I think everyone is familiar with the recent stories about the parish in the North Hills that has gone through some tough times and Father Clarke recently moved there. But I don't think everyone realized the impact on where he was moved from. It's had an impact on the Guardian Angels Parish.

He's done such a terrific job there and he has done a terrific job. I will speak on behalf of the community since the joint project can't be here, but Father Clarke in addition to the great job he has done for the Parish of Guardian Angels was a real community leader.

He is a very charismatic individual; he helped us get a lot done in the communities of the West End and Elliot. I just want to bring him in here today and have him receive this proclamation from City Council. I will read it.

MR. HERTZBERG PRESENTS:

No. 751 WHEREAS, in 1991 Reverend Robert Clarke was assigned as the Administrator of St. James Catholic

church in the West End of the City of Pittsburgh; and

WHEREAS, in 1994 St. James Church, St. Martin's Church and Guardian Angels Church were merged together to form the Catholic Community of Guardian Angels; and

WHEREAS, Father Clarke was assigned to the newly created Catholic Community of Guardian Angels where the impact of the merger had created bitterness and resentment among many of the parishioners; and

WHEREAS, Father Clarke is a charismatic leader who accepted the challenge and succeeded in reinvigorating the Catholic Community of Guardian Angels by dealing with the parishioners' concerns in a straight-forward, honest and forth right manner; and

WHEREAS, Father Clarke's accomplishments at the Catholic Community of Guardian Angels also include the creation of the Southwest Interfaith Ministries, Youth Programs and Renewal Programs; and

WHEREAS, As a Member of the West End- Elliott Joint Project and Elliott-West End Citizens Council, Father Clarke actively participated in many community improvement projects, including development of the Elliott Heights Senior Citizens Housing Facility; and

WHEREAS, because of Father Clarke's leadership abilities, on July 30, 1998, Bishop Wuerl assigned him to another Church in need, St. Mary Assumption in Hampton Township; and

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh honors, commends and congratulates Father Robert Clarke for Exemplary leadership in the Catholic Community of Guardian Angels and in the Elliott and West End neighborhoods of the City of Pittsburgh; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh wishes Father Robert Clarke continuing success in his service to the Catholic Faith and to other communities.

MS MCDONALD moved to adopt the resolution.

MR. FERLO seconded the motion.

Which motion prevailed.

Mr. Hertzberg:

Art Dobbins is here from the Parish of the Guardian Angels. Art, would you like to make a few comments?

Mr. Dobbins:

Thank you, Alan. You stated most of what I had prepared. I worked with this gentleman for a number of years and the organizations that he has been known to belong to is just not in name only. He jumps in with both feet and all the way up to his turnaround collar. There is nothing that goes past himself or goes past him that he takes care of and he is a man of honor.

Father, may God be with you and the Holy Spirit guides you. Thank you, ladies and gentlemen.

Father Clarke:

I thank you for this honor. I am a suburban person and grew up in Bridgeville. But 13 of my 25 years of priesthood were in West End, Elliott. I am a rerun. I was there twice.

It's a terrific community and I appreciate the opportunity that I had for 13 out of 25 years to originally meet people and come back later on and work with them for more years. I appreciate the honor.

Although I am not living in this City, Pittsburgh is very special to me and I really appreciate the City of Pittsburgh. I will be on the border looking in. Thank you.

Ms. McDonald:

Lincoln Avenue Church of God would all representatives come forward please and receive a resolution. Thank you very much I am going to read the resolution.

MS. MCDONALD PRESENTS:

No. 752 WHEREAS, the Lincoln Avenue Church of God will spearhead a Community Clean-Up Day on Saturday, September 19, 1998; and

WHEREAS, the Community Clean-Up areas will include Garfield, Lincoln-Lemington and Homewood, with Reizenstein Middle School as the central pick-up and drop off location. Lincoln Avenue Church of God is soliciting the help of all of the local churches, mosques, temples, community organizations and residents of the community to come out

and pitch in to enhance the area in which you live, work, and worship; and

WHEREAS, the Lincoln Avenue Church of God will use the theme "Cleanliness Is Next To Godliness" for the morning activity. Lincoln Avenue Church of God has worked tirelessly with the community, Public Works Department, Pittsburgh Water and Sewage Authority, and the Mayor's staff to ensure a successful "clean-up" day.

NOW, THEREFORE, BE IT RESOLVED, that the Council in the City of Pittsburgh recognizes and commends the Lincoln Avenue Church of God for their efforts in initiating a positive change within our community.

MR. HERTZBERG moved to adopt the resolution.

MR. FERLO seconded the motion.

Which motion prevailed.

Ms. McDonald:

I would just like to say that I wish more entities such as Lincoln Avenue Church of God would initiate something like this on a continual basis. As people complain that our community looks trashy, there is a lot of litter. What I report back to people anymore is then well don't throw stuff down. If you don't want your community looking like that, then don't litter; pick it up. If you haven't thrown it down, maybe pick it up. There is nothing wrong with that.

As I go through some of our neighborhoods, especially our ethnic neighborhoods where you see little old

ladies, they're in the street; they're at their curb cleaning up the street in front of their house. They're cleaning up their sidewalk. I don't really hear them grumbling about how it got there. All I see is that they're making efforts to clean up their plot of land, their little area right there including into the street.

So again, I commend Lincoln Avenue Church of God for having people feel more of a part of their community by cleaning up the trash that is left there. And making sure that they don't point fingers but the only fingers that are to be pointed is at ourselves for just picking it up and not throwing it down.

So congratulations. And with no further ado, Pat. This is Pat Tucker a Coordinator with the Church and Mrs. Sharon Richardson who is the Pastor's wife. Who wants to say something?

Ms. Tucker:

This is only my third time here. I guess I can talk this time. We would just like to thank City Council for allowing us to make this announcement that we are doing this on Saturday and we would like all the participants to come out and help us. We are meeting at Reizenstein Middle School, which is in the district and we are meeting there at 8:30 to pick up the bags and gloves.

At this time I would like to thank Twanda Carlisle for helping us to coordinate this. This is one reason why we chose Councilwoman McDonald to help us spearhead this. Also Teeka Good (phonetic) from the Mayor's Neighborhood Organization. She has been

quite helpful in helping us to get the information out.

We have a lot of other volunteers that have helped to get the information out. We sent information to -- there are 48 churches or synagogues or temples just in the 24th Legislative District. We are hoping that representatives from those churches will come out and help us.

Also there are so many residents like 4,000 taxpayers in Homewood. We can only go by taxpayers. There are 4,000 residents in Homewood. There is 2,000 in the Lincoln Larimar area and in Garfield there is about 1700. We are hoping that those people will come out also because we would like to share what we want to happen in our communities with them.

With that, this also is part of our mission. We have a new minister, Reverend Mark Richardson. He has a vision for our area. It coincides with the vision that some of us in the church also have. So this is one of our first missions that we undertaken. Thank you very much.

Ms. Richardson:

On behalf of Pastor Mark K. Richardson of the Lincoln Avenue Church of God we are thankful for this honor of receiving this proclamation. We want to be a witness in the community. We preach forth the gospel that will change peoples lives from within but we would also like to change the community from without as well.

Just pray for us as we undergo this event in cleaning up our neighborhood. Thank you.

Ms. McDonald:

Thank you. Would the members and representatives of Vintage please come forward? This resolution is sponsored by all Council members.

We have with us Tom Sturgill, Mary Smurlo, did I say it right? And Rosa McGruff. Mary and Rosa are senior participants and Tom is the Program Director out at Vintage. I am going to read the proclamation.

MS. MCDONALD AND COUNCIL MEMBERS PRESENT:

No. 753 WHEREAS, under the theme "25 Vintage Years-Getting Better with Age," Vintage, a resource for Pittsburgh's senior community since 1973 will celebrate their 25th Anniversary on Tuesday, September 15, 1998; and

WHEREAS, Vintage raises the quality of life for those over 55 years of age by developing and utilizing their potential. Vintage exists to meet the needs of these men and women by helping them to help themselves and by serving as a resource for caregivers and the community; and

WHEREAS, the evening will feature wine, hors d'oeuvres and entertainment by jazz legend Roger Humphries. The evening will showcase the activities and services Vintage offers, as well as recognize the efforts of founding individuals, volunteers and groups; and

WHEREAS, Vintage is supported primarily through donors contributions, government grants, the United Way, The Western Pennsylvania Hospital, and

program related income. Vintage services approximately 350 seniors per day and includes 45 full-time equivalent staff, over 300 volunteers and a 20 seat board of directors.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes and commends Vintage, Inc. for 25 years of dedication and commitment to Pittsburgh Seniors.

MR. HERTZBERG moved to adopt the resolution.

MR. FERLO seconded the motion.

Which motion prevailed.

Ms. McDonald:

There again, I look forward to the celebration this evening. I really appreciated the article in the PG the other day that gave a lot of the history of Vintage and where a lot of people don't know that it is not a Pittsburgh Senior Citizens Center. This center has to go out and get their own money; they are not necessarily totally government funded.

So again, I have been reading the history. I didn't know myself until I read the article the history of all that Vintage went through to get where they are today. It is a beautiful facility. They host community meetings there. If any of you all would like to host a community meeting talk to someone, Tom, I don't know who to talk to, but someone there they have beautiful meeting rooms. There is food, etceteras. It is just a gorgeous place for anyone.

The seniors they got it good at

Vintage. I am going to ask Tom to make some remarks and any of you all.

Mr. Sturgill:

Thank you very much, Valerie. The Vintage Senior Center and Adult Day Care Centers would like to thank the City of Pittsburgh for its overwhelming support over the past 25 years. This has been a very exciting year for us this year celebrating our 25th Anniversary.

So on behalf of all of our seniors, from our older who line dance and do aerobics to our frail older adults who need assistance in adult day care and the care givers who take care of them each day, we would like to thank you very, very much for this proclamation. Thank you.

Ms. McDonald:

Thank you all. I have a third resolution for Fairview Park Association. Would those representatives please come forward to receive your resolution? This resolution is sponsored by myself and Councilman Sala Udin. I will read the resolution and it will speak for itself.

**MS. MCDONALD AND MR. UDIN
PRESENT:**

No. 754 WHEREAS, on Saturday, September 19, 1998 the Fairview Park Association cordially invites the public to a fall picnic and celebration at Fairview Park in Delmont, PA; and

WHEREAS, African-Americans were not privileged to participate in the joys and pleasures offered by local amusement parks like Kennywood and West View Parks in the 1930's & 1940's.

Not to be outdone, a group of African-American Sunday School Superintendents of various denominations convened and eventually formed the Monongahela Valley Sunday School Association, a non-profit corporation on November 13, 1945. The Association gathered together their funds and purchased one hundred acres of land in Delmont, Pennsylvania; and

WHEREAS, over the years the park grew and developed until there was a thirty-eight passenger merry-go-round, sixteen passenger roller coaster, swimming pool, skating rink, restaurant, and various picnic shelters; and

WHEREAS, with gradual remission of Jim-Crow Laws and lifting of certain restrictions, the popularity of Fairview Park began to diminish in face of the competition of the prevailing amusement parks. The Fairview Park Association began to focus on another problem indigenous to the African-American Community – the desire for land ownership. In response to the community the Fairview Park Association sold thirty-three plots of land for home development from 1966 through 1977; and

WHEREAS, today Fairview Park Association consists of fifty-four acres with a picnic and shelter area, basketball, volleyball, and the historic barn for indoor activities.

NOW, THEREFORE, BE IT RESOLVED, that the Council in the City of Pittsburgh recognize and commends the Fairview Park Association for preserving a historic landmark and more importantly a legacy for future generations to share and enjoy.

MR. FERLO moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Ms. McDonald:

It is with pride that I would present this resolution to the Fairview Park Association simply because of the history. It shows that when people pull together even though they are disenfranchised and excluded. People can pull together to do it themselves anyway despite the odds.

We have a park out in Delmont, PA, and it is not that far away. In fact, Bob that is where I was on my way. He is over there side barring when I passed him by and he almost cited me for loud music on the parkway. That's where I was going Bob is to Delmont, PA.

It is not that far but it belongs to the black churches. It belongs to the black churches. How it's maintained, operating expenses is that churches contribute amounts every year like a membership. Well they want to have a membership drive for individual memberships.

I told Rosemary I said she asked me we were at a breakfast I hosted and I told her you have my money for an individual membership. I will do whatever is necessary to make sure that that park is maintained because it is a sense of pride. I am very proud to know that it is there and it's history and that it still belongs to the black churches.

So again, it is a beautiful park if

have you never been out there, go out there and just visit. You will find out it's gorgeous, it's a well-kept secret as far as I am concerned. But it is open to all organizations, and individuals you just have to go through this association.

I am going to ask for Councilman Udin to say a few remarks and who is going to speak? We have Rosemary Miles, Lizzie Roberts is a Consultant and we have the President Ernest Jackson. So Councilman Udin and then whoever.

Mr. Udin:

You know sometimes people say that behind every dark cloud there is a silver lining. Last week or two weeks ago I think we celebrated the 190th Anniversary of Bethel AME Church. Bethel was a silver lining behind the dark cloud of segregation, which gave rise to the creation of AME Church and other churches.

In a similar way racial segregation at Kennywood and Westview which barred black people from attending gave rise to the silver lining of the response of the churches. If you noticed in the resolution that Valerie read, this park was created by the Sunday School Superintendents of various African American denominations. So they created a silver lining behind that dark cloud and they continue to exist today to carry on the model of independence and in making lemonade out of lemons. Thank you very much and congratulations.

Mr. Jackson:

There goes my 30-page speech here. I think Councilpersons McDonald

and Udin said more than what I would have said about the park. It has a very rich history. I first would like to thank the City of Pittsburgh for honoring the park and recognizing the park. The park actually came to fruition in 1945, but the vision started in 1918. So our forefathers kind of did this on their own, worked for many years working together, mentioned Bethel AME, that is one of our membered churches, Saint Paul, Calvary, Second Baptist, so it's all different churches. AME, Baptists, Methodists, are a member of our association.

Our history is rich, our history is a fantastic history to study but our future is important. We are positioning ourselves for the future, for the year 2,000. Our founders had a vision that black youth need some recreation, need entertainment, need a place to go relax, to get that world setting. We are going to fulfill that vision even the year 2,000 as a place for our youth because as of today yesteryears the many things we have to do to take care of our youth. This is one of them and we look into the future to have a place as a retreat so we can have our different community groups, our churches, our young groups come and meet and to fellowship with each other.

So history is rich, but our future is bright and with this type of recognition we hope that we can go forward and continue to vision the founders of the park. Thank you very much.

Ms. Miles:

Again, I would like to thank City Council and Valerie McDonald, Mr. Udin and Twanda Carlisle for giving us this opportunity to come out.

I also would like to again invite everyone to the membership drive picnic that is going to be held Saturday, September 19th, at 12:00. And I would like to invite people to come out and rediscover Fairview Park. It is our community's best kept secret and it a 54-acre safe haven. Thank you.

Ms. Roberts:

Hi. Thanks again for the resolution for a labor of love. I am the membership consultant and working with Rosemary Johnson on recruiting new members, new perspective members. I would like to invite everyone to come out and see the park and join in the peace and the harmony and the love that surrounds you as you sit in this lush grove of trees and have a wonderful family picnic. It is a time of renewal, to get close to nature and feel the harmonious nature that Fairview Park presents for everyone.

We want to invite everyone. If I can coin an oxymoron, it is urban country, it's tucked beyond a hill along a highway. It is just wonderful. So come out and join us. Come to the picnic and what is the phone number again? I have forgotten? Call 831-1218 for more information. 831-1218 and we hope to see you there. Thank you.

Mr. Jackson:

Let me interrupt you for just one second, just for directions. Go out 22 east, past the turnpike interchange Monroeville. You go about three or four miles past the new expressway that goes to Greensburg, Route 60. You make a left at Rocks Springs Road. At the end of the stop sign of Rocks Springs Road you make a right

and the park will be on your right hand side. Thank you.

The Chair:

Members of Pittsburgh Cut Flowers Company please come up. Good morning and welcome.

We are talking about the beautification of Pittsburgh from the entrance of the tunnel to our parks and here is a company that has really helped beautify Pittsburgh for many, many years. In fact 100 years to be exact.

When we were talking, we were surprised how many companies are celebrating their 100th Anniversary this year in the Pittsburgh area. This is quite an achievement and especially you are the hardcore root of our employment and it keeps our region solid. I will read the proclamation.

MR. O'CONNOR PRESENTS:

No. 755 WHEREAS, Pittsburgh Cut Flower Company is marking its 100th year of service as a distributor of flowers and floral products to area retail florists; and,

WHEREAS, Pittsburgh Cut Flowers' roots go back to the Pittsburgh Rose and Carnation Company which built green houses in the city's Bellevue section. Many varieties of flowers were grown in the early years including, orchids, carnations, tulips, mums and roses; and,

WHEREAS, the company continued to flourish and grow, expanding its services throughout the Tri-state region; and,

WHEREAS, Pittsburgh Cut Flower Company credits excellent customer service and product quality as the two reasons for its success as a wholesaler; and,

WHEREAS, Pittsburgh Cut Flower Company is family owned and presently managed by:

Don Hook, Chairman
Robert Luthultz, President
Jeff Hook, Vice President.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby congratulate Pittsburgh Cut Flower Company for its longevity and outstanding service in the Pittsburgh community; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh in recognition of Pittsburgh Cut Flower Company's 100th anniversary and does hereby declare September 15th as, "Pittsburgh Cut Flower Day" in the City of Pittsburgh.

MS. MCDONALD moved to adopt the resolution.

MR. FERLO seconded the motion.

Which motion prevailed.

The Chair:

I was surprised we were talking about they used to grow them in Bellevue but now they actually fly them over from Holland in refrigerated airplanes, from South America. So it is really interesting and fascinating how we can get our products here. Don, you want to be the

first.

Mr. Hook:

Thank you very much. This company has enjoyed 100 years in the City of Pittsburgh and it has been a marvelous experience to have worked with my father and now working with my son-in-law and my son. This is what I think this city is all about, the ability to transfer companies down through generations and it is marvelous that we are working with a product that everyone loves.

I have enjoyed almost 50 years with the company and each day to me is a new experience. It is really not work it's sort of fun going and working with the flowers and being able to give joy to people.

Now as I turn the company over to the younger members I hope they can have the same feeling I have. I would like to have the President of the company my son-in-law, Bob Luthultz, speak at this time.

Mr. Luthultz:

Thanks, Don. On behalf of Jeff Hook and myself we would like to thank City Council for this recognition especially thank Bob O'Connor for his role in this as well as a friend of ours Tom Goslin who is a partner in making our business work.

As Don said we are very proud of our history. 100 years and we would like to acknowledge all the hard working employees many of which are city residents and making that growth possible.

We have enjoyed the growth that our company being a part of the Pittsburgh community and look forward to many, many more years of working in a partnership.

So thanks again for the recognition and we are very pleased to be here today.

The Chair:

Joe Dugan from the Director of Soldiers and Sailors Hall please come up. Joe is the Director of the Soldiers and Sailors.

MR. O'CONNOR PRESENTS:

No. 756 WHEREAS, An act of Congress officially proclaimed September POW/MIA month; and,

WHEREAS, Vietnam Veterans, Incorporated began its vigil honoring the POW/MIA in July of 1983; and,

WHEREAS, the Vietnam Veterans, Incorporated is fighting the battle still being waged to receive a full accounting for our nation's POW/MIA's and grant peace to the families and friends who are yet waiting; and,

WHEREAS, the Vietnam Veterans, Incorporated is welcoming all veterans, families and veterans organizations to help honor and remember their comrades from all wars whose fate is still unknown; and,

WHEREAS, the Vietnam Veterans, Incorporated is holding its 36 hour continuous posting of colors in remembrance of their comrades, with a

candle light ceremony at dusk on Saturday, September 19, 1998.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Vietnam Veterans, Incorporated for their commitment to the veterans of the Vietnam war and our country's POW/MIA's; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh in recognition of their hard work and the Veterans of the United States of America does hereby declare September as, "POW/MIA Month" in the City of Pittsburgh.

MS. MCDONALD moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Joe, do you want to speak? Where are you holding it?

Mr. Dugan:

Each year on a specific weekend in September we hold a POW/MIA visual at Point State Park with the help of Mr. O'Connor, City of Pittsburgh. We hold this visual to hope that some day the thousands of POW's and MIA's can be accounted for. Each week comes more news as to different expeditions going into the countries of (inaudible), Cambodia, and Vietnam, to find the different remains and different information that is out there

available that some of the governments are releasing at this point.

Even though a number of years have passed on, the families still deserve to know the fate of their loved ones, their friends and their family. As representing President Glen Connor from the Vietnam Veterans Incorporated in Pittsburgh here, I am here to ask you to take that day, sometime during the 19th of September and into the 20th, and think of the people that you might have known who were servicemen who have never, never came back to our wonderful city.

At this time I want to thank the members of City Council and extend an invitation at this time to please any time during the 36 hour period we're there all night. There will be members there, there will be refreshments, there will be an outstanding gesture on your part to help us come down and remember those people. Thank you very much.

Mr. Ferlo:

If I could put you on the spot, I was wondering if you could give us an update on the request to the Regional Asset District Board we have had a --

Mr. Dugan:

Our Regional Asset District requested hearing is this evening. I am the Director of Soldiers and Sailors Memorial Hall. Last year I received phone calls from a number of the City Council members giving us support. It has to be understood that it is a community asset, a regional asset. We have various veterans groups coming in from all over the country and our facility is used specifically as a

selling point.

Mr. Ferlo:

Are you asking for both cooperating and capital dollars?

Mr. Dugan:

Yes, we are asking for operating and for capital improvements. What we are trying to do is have Mr. Ridge release \$3 million matching funds that we are trying to get off the RAD, Allegheny County Regional Asset District, to help us do the capital improvements. With the additional operating funds, what we would like to do is be able to hire promotional and education and a Programs Director so that there is more public awareness.

Our programs have reached to the public schools, to the catholic schools, and to the community organization that we have a fine program going on and we have expressed this to the RAD Board. It is a record amount we have asked for but last year there was some mistakes made and someone never turned it in. We want to rectify this but it is one of the hallmarks of Allegheny County and the City of Pittsburgh. It's the largest military museum in the state of Pennsylvania and Pittsburgh should be proud of that fact.

Mr. Ferlo:

I thought it somewhat ironic that Commissioner Cranmer held his state of the Union Address there when he wasn't supportive the year prior. Is there any indication that he and/or the other Commissioners have acted to issue a letter of support of some kind?

Mr. Dugan:

We have support from all three Commissioners. We are a military museum and we try to stay out of their political arena and it would be preferred that way. But they all do support us in our efforts.

Mr. Ferlo:

Mr. President, taking up on Councilman Ricciardi's point that he raised at least two years ago and kept raising. I think it is appropriate that the possibility that the RAD Board will either make a decision tonight, or as they deliberate, I think, we should once again, as Mr. Ricciardi has requested in the past, offer a letter of support for this important historic institution in the Oakland Community and all that it offers and all the potential that it represents. So I am not sure what the dollars quoted should be but there has got to be some way for the Soldiers and Sailors to come underneath some security of the blanket of the RAD funding as much as many other major amenities.

So if we could draft and if you could set up the actual body for Mr. Ricciardi and some appropriate letter while the RAD Board is deliberating.

The Chair:

We can send a letter. I want to thank Joe, for all they have done. I know I attend many events there and it is a very minimal charge if any in some cases. So it is really a regional community effort.

I do want to recognize Councilman Ricciardi who lead the charge two years ago when no one would stand up to

support our veterans and the Soldiers and Sailors Hall. He led the charge and certainly we all supported you. I would like to turn it over to Mr. Ricciardi.

Mr. Ricciardi:

I apologize for being late. Director, along with all of my colleagues, we just want to thank you and your staff for all of your fine work in continuing to honor and keep in our hearts the memory of many fallen soldiers in the past.

Let me just say on the process basis because I am sure all the good things have been said here. That is I am very pleased and we are all very pleased that the three County Commissioners are supporting, funding of the fine facility. But we also have to look past what occurred on Plan B when a certain individual and it appeared that the RAD Board would not support Plan B an individual was removed.

So what I am saying here we're smart enough to know that the three Commissioners should be bright enough to know that we are smart enough to know that if the RAD Board will fund, can fund your facility. If not, we are calling for them to do the same thing they did on Plan B. Anyone on that RAD Board that does not properly and appropriately support the Soldiers and Sailors Memorial Hall to the extent of the application and in its entirety should be removed.

So we will see if the County Commissioners really do support the soldiers and the veterans in our area. Thank you.

Mr. Diven:

I would just like to commend Mr. Dugan for his work at Soldiers and Sailors and also put a plug in for the facility. When I served as staff assistant for Commissioner Forester I was his representative for the board meetings and growing up in the City of Pittsburgh I was never aware of the treasures that are housed in Soldiers and Sailors.

So if people are watching this on TV, if you get some time it is a very, very interesting place to go through. In fact, they have got the Hall of Valor over there which my uncle Danny who won the silver star in World War II will be inducted into. It has the names and stories of all the veterans from Allegheny County who received medals during combat situations. I think it's just a fantastic piece of our history.

I commend you and your board's work for protecting that and making sure that everyone in Allegheny County can see and view first hand some of the things that are present at the museum. I commend you on your work. Obviously with my colleagues, I hope that the Commissioners and the RAD Board will make sure that the funding is available to continue and expand that average program that you do with the schools and the communities.

Mr. Onorato:

If I can also offer, I want to applaud you for all the work you are doing both down at the Point but at Soldiers and Sailors is a gorgeous building. I think one of the big unknown gems of the city. A lot of people don't know it is here. Like you said it is the largest museum. It is great in that hall.

I add my support to my colleagues and whatever help we can give you. I will even throw out another suggestion that feel free to use if you have to. As you are lobbying for money from the RAD we don't obviously have votes on the RAD Board here, but we have a lot of other influence here when it's comes to RAD assets. Either we have matching dollars that we are approving to go to some of these other assets, we also have to approve a lot of infrastructure and building issues relating to the Plan B development.

I am prepared to not give a positive vote on any of those things until they resolve the issue of Soldiers and Sailors Hall. If that isn't a regional facility, I don't know one that is. If they're not going to give money, I am prepared to halt anything we have to that relates to Plan B or to the RAD Board funding until you get the proper funding that you deserve at that particular building.

Mr. Dugan:

Thank you. If I can close with this, the board of managers at Soldiers and Sailors Memorial Hall represents 14 largest veterans organization in Allegheny County. It is comprised of a total of 23 members, ex-official members of the two president judges and the three County Commissioners.

One of the things that we have been able to accomplish is we have been able to now expand more than just as civil war museum. We have a black history display. We have a woman's display that is going to be opened up in October, which I would like to invite all of City Council. You will have an invitation.

But our Hall of Valor, which Mr. Diven alluded to is honoring the Allegheny County residents, which a lot of them were and still are constituents here on the City of Pittsburgh. That honor is the veterans who have received through their deeds in combat the highest metals in the country. In November during open house we will be honoring over 30 of these residents. At that time again you will also be invited to please come and attend.

We last year I think we had over 700 families there. It was truly a magnificent event. Again, thank you for all your support.

Mr. Ferlo:

I would like to ask for a motion to be approved basically directing, you, as President of Council, to draft a consensus that has just been expressed by my colleagues indicating a letter of support for operating capital funding by the RAD Board of the Regional Asset known as the Soldiers and Sailors Memorial Hall in Oakland.

The Chair:

I would be honored to do the letter. I would like to have a vote now and we can fax it over to you for tonight's Rad board meeting.

Motion to approve.

MS. MCDONALD seconded the motion.

Which motion prevailed.

Mr. Dugan:

Again as representing President

Glen Connor from VVI, thank you very much:

The Chair:

We have some to be read into the record.

MR. COHEN PRESENTS:

No. 757 WHEREAS, Israel Bonds is the foremost investment organization in this country for the State of Israel; and

WHEREAS, prominent community leaders Lynn and Steven Irwin will be saluted by the New Leadership Division of the Pittsburgh Region Israel Bonds on Tuesday evening, September 15, 1998; and

WHEREAS, Lynn Irwin is president-elect of Jewish Family and Children's Service, currently serves on the board of directors of the National Conference on Community and Justice, the United Jewish Federation, the Federation of Independent School Alumnae, and is a member of the Holocaust Commission, and was this year's recipient of the Dr. Howard A. Mermelstein Leadership Award given by the Jewish Family and Children's Services; and

WHEREAS, Steven Irwin is the immediate past president of Big Brothers and Big Sisters of Greater Pittsburgh, is chairman of the Pennsylvania Jewish Coalition and the Squirrel Hill Vitality Task Force and vice-chairman of the Community Relations Committee of the United Jewish Federation, currently serves on the boards of Rainbow Kitchen Community Services, Three Rivers

Rowing Association, Hillel Foundation and the Anti-Defamation League, and is a national board member of the National Jewish Democratic Council, and was the 1995 recipient of the Sonia and Aaron Levinson Award for inter-group relations; and

WHEREAS, in recognition of the Irwins' combined volunteer service and support for the State of Israel and Israel Bonds, their friends and family will come together to roast them on 6:00 Tuesday, September 15, 1998, at Tree of Life Congregation.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends and thanks Lynn and Steven Irwin for their dedicated years of service to our community; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares September 15, 1998 to be "Lynn and Steven Irwin Day" in the City of Pittsburgh.

MR. COHEN moved to adopt the resolution.

MS. MCDONALD seconded the motion.

Which motion prevailed.

MR. HERTZBERG PRESENTS:

No. 758 WHEREAS, Robert S. Allen, Sr. 's Birthday is being celebrated by Family and Friends on September 12, 1998; and

WHEREAS, following graduation from Gladstone High School in Pittsburgh and a tour of duty with the U.S. Army,

Robert began working for Bethlehem Steel in Rankin; and

WHEREAS, Robert earned respect at Bethlehem Steel for his dependability, work ethic, integrity and skill, which resulted in Robert being appointed as Bethlehem Steel's first African American Assistant Foreman in the area; and

WHEREAS, Robert supplemented his income from Bethlehem Steel by doing small construction jobs, and he ultimately built a home for himself, his wife Corrine and their five children; and

WHEREAS, Robert did not attend college but has educated himself by being an avid reader who achieved such extensive knowledge in history, geography and demography that he is referred to as a "walking almanac and atlas"; and

WHEREAS, Robert and Corrine Allen stressed the importance of education to their five children, and as a result all five attended college and are now having successful careers, Cheryl is a Judge in the Court of Common Pleas, Claudia is the Director of Finance for the Port Authority, Bernadine is a Social Worker/Therapist, Robert Jr. is a TV Reporter for an NBC Affiliate in Kansas City and Denise is a Secretary; and

WHEREAS, Robert has volunteered his time to improving the Chartiers City/Windgap neighborhood of Pittsburgh and he also is an elected Democratic Committee person and member of American Legion Post #30.

NOW, THEREFORE, be it resolved that the Council of the City of Pittsburgh Commends Robert S. Allen, Sr.

for his lifetime of achievement and wishes him a very Happy Birthday; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares September 12, 1998 "Robert S. Allen day" in the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

MR. FERLO seconded the motion.

Which motion prevailed.

MR. UDIN PRESENTS:

No. 759 WHEREAS, Allequippa Terrace, formerly know as Terrace Village, was completed in 1941 with 1,851 units in 83 buildings, making it the largest public housing community between New York and Chicago; and

WHEREAS, in 1988 six buildings with 102 units were demolished and in 1993, the community received over \$31 million dollars to begin renovation of the site; and

WHEREAS, it was determined in 1995, by Mayor Tom Murphy and HACP Board Chairman, Herb Elish, Councilman Sala Udin and the Allequippa Terrace Tenants Council that the community needed a much more extensive renovation plan. After tireless meetings and planning sessions with the Allequippa Terrace Tenants Council and the surrounding community, a \$100 million dollar revitalization plan was developed; and

WHEREAS, the Housing Authority retains long term control of the property and protects the public interest

through a long-term ground lease; creates an economically balanced, mixed-income community, while providing for the housing needs of existing low-income households; and

WHEREAS, the revitalization plan creates a phased-redevelopment plan which includes 1,377 units, to be developed in two phases and it creates a design which integrates the development into the surrounding community, incorporates defensible space concepts, creates new units which meet the needs of families, provides sufficient community and recreational facilities, and is of quality construction.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh declares the day of September 11, 1998, Allequippa Terrace Ground Breaking and Demolition Day.

MR. UDIN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

I have in front of me two letters that we requested last week. I am glad we kind of waited a week to congratulate Mr. McGwire and Mr. Sosa not only their home runs setting the record, but also I think what they have done for America and for baseball and just to get us back in the great spirit for at least a couple of weekends. Again some of the problems we have had off the front pages and get into a thing that America really enjoys, baseball.

I would like John to have all Council members sign it. And we will send it out today.

With that I would like to move to presentation of papers.

MR. DIVEN PRESENTED:

No. 760 Resolution authorizing an Agreement or Agreements with a Consultant or Consultants for the provision of emergency medical services billing and collection services for the Bureau of Emergency Medical Services, Department of Public Safety, and providing for the payment of the cost thereof.

Which was read and referred to the Committee on Public Safety Services.

MR. FERLO PRESENTED:

No. 761 Ordinance designating certain property as "S" Special District, by Dedicating certain property as "S" Special District, by annexing and dedicating all that publicly held property known as the Heth's Run Ravine, 10th and 11th Wards, City of Pittsburgh, to be an adjoining, contiguous and legal part of the Highland Park proper, so deeded in perpetuity for public park purposes; including but not limited to Lot/Block Numbers 82-K-65, 82-F-47, 82-B-185, 82-F-92, 82-B-133, 82-B-180, 82-B-125, 82-F-104, 82-F-32, 121-P-200, 82-B-135, 82-B-45, 121-L-128, 82-F-63, 82-H-1, 82-B-53, 82-B-128, 82-B-172. (SPONSORED BY MR. FERLO)

Which was read and referred to the Committee on Planning, Zoning and Land Use.

No. 762 Resolution
Authorizing and directing the Director, Department of Finance and the Treasurer, City of Pittsburgh, to immediately determine the appropriate obligation and requirement of all professional sports players to pay annual city taxes, including, but not limited to earned income and professional business privilege tax.
(SPONSORED BY MR. FERLO)

Which was read and referred to the Committee on Finance and Budget.

No. 763 Resolution
Amending Resolution No. 136, effective April 2, 1998, entitled "Providing for an Agreement or Agreements, or use of existing Agreements and/or a Contract or Contracts, or use of existing Contracts, and for the purchase of materials, supplies and equipment and/or services in connection with the Renovations and Maintenance of Various Public Buildings; and providing for the payment of the cost thereof," by amending the funding source and by increasing the total project allocation by \$74,200.00 from \$1,340,000.00 to \$1,414,200.00.

No. 764 Resolution
Amending Resolution No. 138, effective April 2, 1998, entitled "Providing for an Agreement or Agreements, or use of existing Agreements and/or a Contract or Contracts, or use of existing Contracts in connection with the Bridge Inspection and Maintenance Program; and providing for the payment of the cost thereof," by increasing the total project allocation by \$20,000.00 from \$255,000.00 to \$275,000.00.

No. 765 Resolution
Providing for an Agreement or

Agreements, or use of existing Agreements with a Consultant or Consultants for the design and implementation of a computer control system to operate the existing computerized traffic responsive-traffic control fiber optic network; providing for a Reimbursement Agreement or Agreements with the Pennsylvania Department of Transportation; and providing for the payment of the cost thereof.

No. 766 Resolution
Authorizing the Mayor and the Director of the Department of Engineering and Construction to execute a Traffic Signal Maintenance Agreement with the Pennsylvania Department of Transportation for the City's operation and maintenance of overhead lane control signals on the West End Bridge; a traffic signal at the intersection of West Carson Street, the West End Bridge and Steuben Street; and a traffic signal at the intersection of the West End Bridge, the Western Avenue Connector, and Ramps A and N.

Which were read and referred to the Committee on Engineering and Construction.

MR. HERTZBERG PRESENTED:

No. 767 Resolution vacating a portion of Tyler Way starting at Lowell St.. and extending to a point 150 ft. west and Accepting Lot and Block 210, 100 ft by 22 ft. which will continue from the vacated portion of Tyler Way to Mayflower Street as a Right of Way in the 12th Ward, 9th Council District, City of Pittsburgh.

Which was read and referred to the Committee on Public Works, Water and Environmental Services.

MR. HERTZBERG moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. FERLO seconded the motion.

Which motion prevailed.

MS. MCDONALD PRESENTED:

No. 768 Resolution Authorizing the Department of Parks and Recreation to enter into a contract or contracts, agreement or agreements, or the use of existing contracts or agreements for the maintenance and renovation of City pools in an amount not to exceed One Hundred Thousand (\$100,000.00) Dollars, and providing for the payment of the cost thereof..

Which was read and referred to the Committee on Parks, Recreation and Youth Policy.

MR. UDIN PRESENTED:

No. 769 Resolution Transferring the amount of \$3,739,570 from various accounts citywide to the Transfer Suspense Account, Fund 1000, Organization 999800, Sub Class 150, Budget Year 1998, Account 525500 in order to make future transfers to various accounts where shortfalls exist.

No. 770 Resolution authorizing The Mayor And The City Solicitor To

Enter Into A Contract Or Contracts With Public Management Resources, As The Auditor, To Comply With The Consent Decree Entered Into Between The City Of Pittsburgh And The United States Department Of Justice.

Which were read and referred to the Committee on Finance and Budget.

MR. O'CONNOR PRESENTED:

No. 771 Resolution Authorizing the Council of the City of Pittsburgh to issue a Request For Proposals to allow for an independent, comprehensive analysis of the existing and proposed Tax Increment Financing agreements. The purpose of the analysis of Tax Increment Financing (TIF) is to provide Council and other participating governmental entities with the information necessary to make informed policy decisions with regard to TIFs. And, furthermore, to request that the Board of Public Education and the County of Allegheny participate in sharing the costs associated with the analysis. (SPONSORED BY COUNCIL MEMBERS O'CONNOR, FERLO, HERTZBERG, MCDONALD AND UDIN)

Which was read and referred to the Committee on Housing, Economic Development and Promotion.

No. 772 Resolution Authorizing and directing the Mayor and the City Solicitor to promulgate guidelines for arrest without warrant pursuant to Title 42 Pennsylvania Consolidated Statutes, Section 8902. Arrest Without Warrant ~ Act No. 1995-25(SS1) (SPONSORED BY MR. O'CONNOR AND MR. DIVEN)

Which was read and referred to the Committee on Public Safety Services.

No. 773 Petition from the residents of the City of Pittsburgh requesting a public hearing on the disruption of downtown bus service.

Which was read and referred to the Committee on Planning, Zoning and Land Use.

The Chair:

Any unfinished business to come in front of Council? Hearing none. For Committee Chair Reports, Mr. Udin, Finance.

CHAIR REPORTS

Mr. Udin:

Thank you, Mr. President. I was pleased to sign the letter by the way acknowledging the feats of Sammy Sosa and Mark McGwire. But I also think it should not go unstated especially by us in Pittsburgh that the first person to hit that many homeruns was Josh Gibson an African American professional baseball player who played right here in Pittsburgh for the Pittsburgh Crawfords and the Homestead Graves.

I think it doesn't take anything away from those two superstars but it provides an opportunity for us to bring the races together and to record the history of all the major athletes especially the ones from Pittsburgh who contributed to the records of outstanding homeruns. So please let the record show Josh Gibson's record of 70 homeruns in one season.

Mr. Onorato:

Can I make a correction? Josh Gibson was born on the North Side.

Mr. Udin:

And he was born on the North Side.

To the Finance Report, Mr. President. First I would update colleagues on the Budget Summit Meetings. When I became the Chairman of the Finance Committee, the Budget Summit Meetings were already a tradition. I have attempted to continue that tradition and have found them helpful as the Chairman of the Finance and Budget Committee.

However, Mr. Chairman, recently with the exception of Councilman Ferlo no other Council members regularly attend the Budget Summit Meetings and instead several Council members send aids to the meeting. The real intent of the meeting was designed to try to build a consensus between Council and the Mayor's Office.

With aids being sent, I think that consensus building process does not happen. As a matter of fact, last week before I got to my office from the Budget Summit Meeting I was being called by a reporter who had a copy of material that had been distributed in the Budget Summit Meeting who was reading from the material and wanted my reaction to it.

That undermines the purpose that we were intended for and unless I hear differently from you, Mr. President, I don't see any need in continuing a Budget Summit Meeting that is really designed to

try to build consensus. I will continue to meet with the Mayor's Office and the Finance Department and the Budget Office because as Finance Chair it's important that we communicate and try to develop ideas together. But in the absence of the real participation of members of Council, I find the purpose of it being undermined.

Secondly, I would remind Council that the interest rates are very low despite some of the turbulence in the markets in the Asian Markets and in Russia. The United States economy and interest rates continue to farewell. Therefore the City of Pittsburgh has an opportunity to realize a significant savings by refinancing some of the bond indebtedness that the city currently has. So we will be going out for a \$200 million refinancing on the 22nd of September. We will be asked to reconvene the meeting of the Legislative Council session on the 23rd so that we can give final action to that refinancing.

We have already approved in principle the refinancing but as you know we had to wait until the prices had been issued and the time was opportune. So that time will be September 22nd, and September 23rd for final action.

Thirdly, all members of Council received the proposed payment plan that had been developed as a result of Council's request to Councilman Onorato and myself to meet with the Capital Assets Staff and develop a payment plan. A payment plan has been developed a copy of which has been circulated to all members of Council requesting feed back. If there was any, I received no feed back from members of Council. So I assume that members of Council had no major objection to the contents of the payment plan.

The Finance Department is nearing the completion of the fee structure as you know, Mr. President. The city has accumulated a number of fees of different categories for certain services that the city provides. Each of those fees has been reviewed by Deloitte and Touche, one of the major big eight consulting firms in municipal financing. They will be making recommendations to the administration for changes in the fee structure and the administration will be making that report to Council within the next few weeks.

I think the intention is that it would first be reported to the Budget Summit Meeting scheduled for the 24th of September. If that doesn't occur, then reports will be distributed to Council as soon as the report is issued by the administration.

The next item, as you know, we had been discussing and working with the administration to attempt to put together a committee of academics, of business leaders, of community leaders, of government leaders to do a review of the city's tax structure. We are still in the process of examining the feasibility of such a committee. I would expect to know something later this week as to what the Mayor's final decision will be relative to appointing such a committee. I will inform Council as soon as I know.

Finally, Mr. President, as you know as a result of the discussion last week regarding the city's use of tax increment financing as an instrument for promoting development in the city, I had moved and Council voted to have a televised Post Agenda on tax increment financing. After that time, it came to my knowledge that the President had intended

to introduce legislation to call for a study, to hire a company to do a study of the tax increment financing. I signed on as a co-signature to that legislation.

I think it makes sense to do a systematic study. But if we are going to do the study, I think it doesn't make as much sense to do the Post Agenda until after we have done the study. So I would propose that we delay the timing of the Post Agenda on the tax increment financing until after the result of the study have come forward.

That completes my report, Mr. President.

The Chair:

I think we owe you an apology, all of us, myself included, for not being more attentive to your summit. I would like to get together with you and maybe other Council members. I know some of it was in August the break. We can make excuses but you worked very hard, I don't think anyone works harder than you do at the finance of your position and it is probably the most important thing facing us in the next three months.

So I would like to maybe meet with you and other members. Whether it can be a time change, bi-weekly, whatever it is to continue those meetings and make them more productive.

Mr. Ferlo:

A little different twist. I share Councilman Udin's characterization and concern about the budget summit process. I tried to make every meeting, I was out of town for one meeting, but I have been an

active participant. I hope that we don't abort the process although it has been a very frustrating process.

My concern rather is basically a lack of sincere interest on the part of the Mayor himself and key top decision-makers to really participate fully in the process of the Budget Summit Meetings. I respect all the finance staff, they do a good job and they work hard. I respect all of the administrative aids who worked for our colleagues, they work very hard. But this was meant more as a process to try to hone in on both the budgetary and the political policy realities of our budget dilemma and trying to build towards a consensus so as to influence the Mayor's preliminary budget report and recommendation to Council.

So far that hasn't really worked and part of my frustration is that the administration themselves, the key decision makers, I mean budget staff people can numbers crunch and can offer opinions but they're not going to be key players often times on what the policy is going to be.

I think unfortunately the Mayor to some extent still has blinders on about the dire financial straight of this city. He has the no tax monster, which is great. I appreciate the fact that he feels that he's made a multi year commitment in that respect. But I would ask him to review that posture as I have asked the administration to do specifically looking at the earned income tax.

Because we have reached a point now and I am making it clear right now, I am not cutting any other city department only to see Public Safety budget to balloon

and basically eat at the very core vital services that we are being asked to provide to our city residents. We are so out of whack now in our budget, with Public Safety being so disproportionately high. Not being high in terms of need and fact that we have to do a lot of things in terms of Public Safety. I am just talking about the real practical reality of the \$310 to \$15 million that we expect to take in and spend and the disproportion percentage that Public Safety solely plays in that amount of money.

We have reached a point where we are so caught into Public Works and Parks and all the other work force that gets all the other things done that people rely on city government to do that it is really reality check time. I have grown frustrated with the process because key players have not -- When I say key players from the administration side have not been at the table to discuss these issues. Also, I think there is a willingness to play games with Council.

I resent the fact because I think what the administration has done to some extent is they run to the editorial board of the Post Gazette and they blast us about not accepting a garbage tax. So they are still into like how do they win the PR game? I feel like I am in there trying to figure out how do we get our budget together and how do we make some very hard and difficult decisions.

So, I have just grown frustrated at the process. I am still very much willing to participate because I am hoping that at some point the reality check will be clear enough for everybody that we have some very hard decisions to make. I also had wanted and I have asked this repeatedly. I

don't think we should be real secretive about the dilemma we are in. I think we should go back out into the community, neighborhood groups, all the vested interest groups of the city including the unions. I think we should just explain the reality what we are in financially and talk about our different options and start engaging the community at large in this process about deciding what priorities should be so it shouldn't be us walking down the path of all this hard decision making.

In the end we are going to make the decision, but I have been out in my community and for lots of different reasons, I will not support a garbage tax. I think it's bad public policy. I think we have garbage anarchy in the city. I think half the people won't pay the tax. I can see a situation where garbage will not be picked up. The whole thing is ridiculous and to do an end run and get the Tribune Review and the PG keep blasting us about privatizing stage money, that is a bunch of baloney.

If anyone doesn't think that the landfill contractors and waste haulers won't lowball the contract for the first few years in order to get that work. So the point is, I am growing frustrated with the process. But I would still like to suggest that we try to hang in there and see if we can get to the Mayor. The first few meetings the Mayor was actually attending himself, then it was Deputy Mayor Cox. It has got to be Deputy Mayors or the Mayor himself in this process. We are going to get to hone in on some of these key decision making issues that are confronting us.

The other thing is we never get

back and kind of give a report card. There are characterizations in the media that somehow say that revenues are short and we have failed, Council failed to forecast. Revenues are short because we forecast, we didn't forecast, we accepted the administration on their face saying they will get \$4 million in court money. We didn't say that. They told us we guarantee \$4 million. They told us guaranteed several million dollars for EMS support service. I can go down the litany.

So let's put the propaganda out properly if we are going to propagandize the public and the editorial boards let's give the full picture about what is going on. But what I am rather suggesting is that we not deal with the editorial board but that we deal seriously with the budget dilemma. We start talking seriously about the possibility of raising earned income or doing some other things that may seem distasteful but would prevent the further slashing and eating away of the basic bone marrow of municipal core of services. I think that is really where we are at right now.

Mr. Diven:

So far I would like to agree with Mr. Ferlo in regards to the refuse and the privatization. I think we need to draw a line in the sand on that issue and say that is something that the city should be in business to do.

Secondly, after meeting with Councilman Udin and talking to him about some of the things in the Public Safety Bureaus I have already had a number of meetings with some of the union officials for the various departments. I sat down and I explained to them that the city is

going to be in some tough financial situations over the next couple of years, is there anyway that they could offer assistance in trying to find ways to save money?

Preliminarily they have been very interested and very cooperative. In fact we are at the point now where we are going to be looking at the numbers and working with Mr. Salac to make sure that everything adds up. So hopefully we will be able to provide some additional numbers to Council as to what the Unions are prepared to do to help the city out in this financial crisis.

I think one of the concerns that I have is that if they come back with numbers that are going to be legitimate and that Mr. Salac can prove. I hope that for whatever reason that the Mayor's Office will be willing to accept them and look at them realistically, and not get bogged down with all the animosity that has developed through the arbitration process and look at them. Because I would much rather work with the unions to save the city money then have to look at other resources that are scheduled to be cut or the possibility of a garbage fee.

I think we have got some talented people in these unions and they are willing to cooperate provided they're asked nicely and provided they are given the respect for their positions. I have tried to foster that kind of relationship. I think we will be in a position to know whether or not that will pay off pretty soon.

So I just wanted to update Council on what I have been working on independently in the Public Safety Bureau.

Mr. Udin:

Point of order, clarification. It was not my intention as Chair of Finance and Budget to begin the debate at this table today on various options for the budget for 1999. However, I would like to clarify that nobody has been more consistent than myself in requesting and demanding communication and cooperation between Council and the Mayor's Office.

But I do have to add that with the exception of one meeting, the Deputy Mayor Cox has been present at all meetings. The Finance Director Paul Hennigan has been present at all of the budget meetings and they have both been very attentive about meeting with me and privately even prior to and after the Budget Summit Meetings.

I just want Council members to know that there is some change that is evident in terms of the administration's willingness to meet at least with the Finance Chairman and be available for candid discussions.

The Chair:

I have been getting some of that negative feed back whether right or wrong. So I think its time with your leadership we sit down and rethink and restart this thing. Because there is too much involved and when you talk about cut backs or changing things you're talking about employees, their lives, even throwing ideas up that may not make any sense.

So it really is something that should be kept behind the closed doors when you are thinking out loud. Whether it be raising taxes or cutting. I think no

politician wants to go in and say I think I should raise the tax. So that type of thinking and brain storming really has to be cooperative. It has to be a joint effort, which I don't know if both sides are on the same page and let's hopefully from now on we have to be both on the same page and very serious about it. Thank you for your report.

Mr. Hertzberg:

Status reports on the Department of Public Works on street resurfacing program funded at about \$6.9 million scheduled to pave 65 miles of streets. We have completed 41 miles at a cost of approximately \$3.6 million and we are on schedule to meet the projected 65 miles and keep within the budget.

Playground retrofits, Public Works isn't in charge of massive playground reconstruction program but it does have some responsibility for retrofits. Public Works has programmed eight retrofits at a cost \$220,000. We have completed one and have four in progress spending about \$161,000 for equipment and safety service and we're on schedule to meet the goals within the budget.

Wall Step and Fence the '98 program was funded \$1.2 million but most of that, \$920,000 is within Engineering and Construction. \$280,000 is within Public Works. We have completed our program goals. Six wall projects, three step projects. We are on schedule to complete our goal of 6275 feet of railing and we have completed repairs of 600 lineal feet of railing to date. We have successfully completed those projects actually under budget. We will be able to schedule more projects in 1998 than

anticipated because we have been able to come in under budget. An additional 39 steps and re-walls have been completed total cost to date is \$170,000.

Access ramps and our Director says that Public Works is scheduled to install 570 access ramps at a cost of \$275,000. We have completed 318 to date expending \$145,850. We are on schedule to meet our projected goals within budget.

I note a letter I received from the Three Rivers Center for Independent Living together with a letter from their attorney and the lawsuit that the city is engaged complaining about the current operation. We had agreed that at least currently when we resurface a street that the ramps would also be reconstructed to make them accessible to the disabled people. However, the letter from the attorney for the plaintiffs in the lawsuit indicates a whole number including in the Homewood neighborhood and in the Stanton Heights neighborhood where streets were resurfaced but the appropriate curb cuts were not made. I don't know all the details. It could be that this is something that is about to happen and just hasn't happened or it could be that we are not keeping up. I hope we are.

Trails, the newly named Eliza Furnace Trail, the half mile extension at the Schenley Park is 80% complete at a cost of \$55,000. The Chateau Street Trail construction of this point nine tenths has just begun expending \$25,000 for clean up and preparatory work.

The sign legislation that I was involved with earlier this year. It has been incorporated into the Public Works normal maintenance operations. There have been

165 signs removed by Public Work inspectors since March of 1998 and 180 people were contacted informing them to remove their signs. No one was cited since everyone that was contacted agreeably removed their signs.

I am asking the department to send out notices out as quickly as they can to anyone that is a candidate in this fall's general election informing them that we do have an ordinance that prohibits the posting of signs in our rights of way.

Environmental Services. First, August 11 the Mayor informed the Dog Fighting Task Force and this task force was formed to develop a focus and coordinated approach to identifying investigating and prosecuting individuals engaged in dog fighting. Rewards of up to \$500 are available if someone provides information leading to the arrest and conviction of those involved in dog fighting.

The awards for refurbishing refuse packers was awarded to A & H Equipment Company on July 22, 1998. The total award was \$496,260 for refurbishing of 12 units, two trucks were actually sent out on September 9th to start the program.

I have great concern that that is what we are doing. I think these trucks should be replaced rather than refurbished. I am very concerned that we are being forced into a privatization of this department by such methods as refurbishing trucks that really need to be replaced.

I suggest that we jump in a little bit to the budget issue and we are going as far as I know the possible savings out of this

is total speculation out of privatization of our refuse. What Chairman Udin has said and what I have heard a lot of is we actually have to put a bid out to figure out whether this is going to be a savings or not. I am uncomfortable with that, Mr. President, but I would suggest one method is again calling on our universities to do a study, an analysis. I think they're capable of providing and we have a number of them they are very capable. They have graduate studies in business and in public administration including Carnegie Mellon, University of Pittsburgh, Duquesne University, Robert Morris College, Point Park College and if I missed any I apologize.

I would like to have a study of this rather than go out and solicit bids which I think Mr. Ferlo is correct, we may get low balled and then put in a predicament where we are totally out of the loop and can't do it ourselves any longer. I think that would be a great loss.

Also, on the issue of refuse, a pre-bid meeting for our landfill contract was held on September 3. The bid specification was sent out as one bid for the entire city and another option for companies to bid on four separate sections of the city. Bids will be opened September 18.

Also on the issue of rodent control I think Mr. Onorato's one of his I don't want to call it a favorite issue for him, but it is an issue for him. No one's favorite issue. But the bid requests for rodent control and vacant and demolished probate program were sent out. The bid openings just occurred on September 11 and Public Works was allocated \$100,000 and CDBG funding for implementation of this

program. It's actually being bid this additional \$100,000 apparently it became too time consuming to do it in-house so we will continue with what forces we do have in-house within the city to operate rodent control.

We are also going to have it bid out for \$100,000 of additional work.

Some miscellaneous items are the entire sewer operation from the city is going to become the responsibility of Pittsburgh Water and Sewer this November, November 1998. I think we will all recall that our water, entire water system was transferred to Pittsburgh Water and Sewer, now a final stage of the whole transfer to water and sewer involves the city sewer operation is going to the water and sewer authority in November.

Kramer Way in City Council District Two, another one of the probably the worst street in the City of Pittsburgh Belgium block deeply rutted terrible street has been negotiated, was reconstructed in-house at a cost of \$171,000 full depth asphalt it doesn't fair a lot of traffic. So we have gotten into some more modern thinking and it costs a lot less money to reconstruct the street that way than to do it in concrete when it is not getting that much traffic anyway.

Finally the bicycle track on Washington Boulevard Extension. This two tenths of a mile is 80 percent complete, will cost \$25,000. The Criterion course will be paved upon completion of this extension.

The Chair:

I just went by there. It really looks

nice. I saw the big turn they are making. But are we again and this is Mr. Onorato's bill with the soccer fields, but are they studying also what is going next to it?

Mr. Hertzberg:

I know there was a proposal for soccer fields but if I am not mistaken that has been taken off the table. I don't know if Councilman Onorato can tell you or Councilwoman McDonald.

The Chair:

One thing I would like to mention on the garbage privatization or whatever. I feel privatization is an excuse for poor management. But as you said, lining up the costs should not be that hard. I mean you have labor costs, tonnage, what we pick up versus other cities, versus private. Any university can study this very reasonable and time and cost wise.

Also, what we can learn? I think it would be good for our refuse department to learn what other people do. I mean we just can't continue doing things because we did it for the last 50 years. I know when the Kane Hospital issue was up they were talking about closing it and when we lobbied and tried to keep them in the county, and when I met with the management of labor, they said no one even asked us to cut. No one even looked at it. Before they sell it off, are we looking at how can we learn?

So, I think there is a lot of work to be done before we would ever envision privatizing such a good service for everyone.

Mr. Udin:

I had some comments for the Public Works Chairman, if I may? One, I have been asked to serve on the Allegheny County Disability 2000 task force and one of the things I find frankly embarrassing is that Pittsburgh is still engaged in litigation relative to the compliance with the Americans With Disability's Act in terms of curb cuts. I wondered if the Chairman of the committee had an update on where we stand with that lawsuit? That's one item. If I can get them all out then you can respond to them.

Secondly, we have been getting a number of complaints about maintenance around the city, cleaning up the city. I wonder whether or not it would be a good time for us to look at the reorganization of the maintenance districts that we approved last year to get an update to see how they are working and whether or not there are some adjustments that need to be made to make it work better? I know that there -- the whole issue of downtown and the North Side represents a serious problem and there maybe others that I would like us to have a look at.

Finally, thanks to the legislation in large measures by Councilman Cohen to provide safety services for the city's playground there are and also thanks to the leadership of the Mayor in getting this work done. There are a number of playgrounds that have been built. But I am not sure that our playground maintenance ability has kept up with our ability to produce playgrounds. That surface requires a certain kind of cleaning in order to keep it clean and safe.

I am not sure that our playground maintenance is prepared to keep all of those playgrounds clean. We may want to

take a look at a similar kind of volunteer clean up system that we have with clean up day. There are a lot of communities who would take care of their own playgrounds themselves if we just provided them with like gloves and garbage bags and with pickup the litter as we do on clean up day. Perhaps that concept can be used to help clean up some of these playgrounds.

A lot of communities have told me that they would if they were certain of the liability issues. I guess they're kind of afraid that they won't get in trouble if they came out there and start cleaning up the playgrounds. But they would rather do it themselves than have the playgrounds be dirty or wait for city to get around to cleaning it up.

So I would like to have the Chairman to look at our ability to keep up with the cleanliness of these newly developed playgrounds. Thank you.

The Chair:

Would that be an issue for Partner and Parks?

Mr. Hertzberg:

I am going to try to address the three items. I can tell you I don't have answers for all of your questions. Particularly the lawsuit filed against the city and pending Federal Court. I have no answer on that other than what I indicated to you, Mr. Chairman, as well as to Director Hennigan my desire to finally settle this lawsuit by appropriately funding the effort. By putting it into our capital budget just to catch up completely and let's not be behind and then there is no fight.

There shouldn't be any fight. This should just be a high priority for our Capital Budget next year and that ends it. But if that's happening or not I don't know.

In fact, as I mentioned before I actually received correspondence which complained that we are not even keeping up with the current curb cuts we are supposed to be making that we are resurfacing.

How the new division plan where we actually chopped out a maintenance division how it is working I am not exactly sure. I know that there are complaints that Council members are receiving. I would appreciate hearing about them. I can ask the Director if you are interested in having a Post Agenda meeting or something on the topic I would be happy to convene it.

As far as the new playgrounds and their maintenance, that topic really hasn't come up with the Director, but I think it is a very timely topic also with all of these new playgrounds. They need to be maintained there is no doubt about it. We are making a multi-million dollar investment into these new playgrounds, and now leave them unmaintained is the wrong thing to do.

But I know there is never a problem with someone who wants to go out and get involved as a volunteer picking them up. But I think there does need to be some organization brought into it. Partners in Parks that's what it exists for and I think they would be happy to get involved in organizing some of the community groups to getting involved in a regular maintenance schedule on some of the playgrounds. But really I don't have a prepared answer for most of those

questions.

Mr. Onorato:

Just briefly on the one issue that Councilman Udin brought up. He and I have been working closely with it. I had one conversation with the Mayor several, I guess, weeks ago. I have come to the conclusion that downtown has to be put into a separate Public Works division. It has been a disaster combining with the North Side. The North Side has never looked this bad.

We are working closely to spin-off the downtown, at least I am, to spin-off the downtown combination and somehow come up with a private downtown. I don't know private but downtown division by itself because it just doesn't work. I don't think it would be fair to put it into another division. I mean downtown should be by itself and it is just unrealistic to expect this thing to work when we didn't get the manpower we were promised.

The Chair:

That maybe some of the reasons I am sure you and I and other Council members have discussed the list of complaints and phone calls probably doubled in the last year and half to two years from basic services. So that maybe one of the main reasons. It's time to reevaluate that.

Moving to Reports of Committees.

REPORTS OF COMMITTEES

MR. UDIN PRESENTED:

Bill No. 774:

Report of the Committee on Finance and Budget for September 9, 1998. Transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 771:

Resolution providing for the issuance of a warrant in favor of DeBolt Unlimited Travel Services, Inc., for professional services provided August 18, 1998 for the benefit of the residents of the City of Pittsburgh, cost not to exceed \$2,376.00. Prior Interim Approval Granted. **(SPONSORED BY MR. FERLO).**

Which was read.

Also,

Bill No. 727:

Resolution providing for the issuance of a warrant in favor of American Legal Publishing Corporation in payment for professional services for the Pittsburgh Code, at a cost not to exceed \$7,900.00 chargeable to and payable from Account 525500, Sub-Class 150 Miscellaneous Services, Fund 100, Organization 101200, Budget Year 1998, Office of City Clerk. **(SPONSORED BY MR. UDIN)**

Which was read.

Also,

Bill No. 730:

Resolution amending Resolution 467/1998, entitled, "Resolution transferring the amount of \$120,000.00 from the Mayor's Office to the Copier Management Trust Fund in the Department of General Services to make payments related to the operation of the Print Shop," by identifying the specific code account within the Mayor's Office.

Which was read.

Also,

Bill No. 731:

Resolution authorizing the sale of City owned property in Millvale Borough on Lincoln Avenue, to Joseph C. Kelly, Jr. & Virginia S. Kelly, for the sum of \$1,000.00.

Which was read.

Also,

Bill No. 732:

Resolution authorizing the City to issue a quit claim deed for property in the 4th Ward, on Ophelia Street, Block 28N, Lot 110 (part) to Geoffrey L. & Reiko Y. Becker, for the sum of \$350.00. (Council District 6).

Which was read.

Also,

Bill No. 733:

Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of

1984, entitled, "Second Class City Treasurer Sale and Collection Act" effective December 11, 1984, having been placed for sale to adjoining property owners in conjunction with the City of Pittsburgh/City Source Associates Sideyard Program.

(A) 7036 Frankstown Avenue, 13th Ward, Block 174-E, Lot 360, being sold to Tina L. Talton, vacant lot containing an area of 4,050 sq. ft., \$100.00. Intended Use: Additional yard space. Council District 9.

(B) 7408 Idlewild Street, 13th Ward, Block 174-K, Lot 53, being sold to Vivian C. Jackson, vacant lot containing an area of 2,900 sq. ft., \$100.00. Intended Use: Additional yard space. Council District 9.

(C) 2519 Arlington Avenue, 16th Ward, Block 13-L, Lot 166, being sold to Richard R. Reddington, vacant lot containing an area of 7,200 sq. ft., \$100.00. Intended Use: Additional yard space. Council District 3.

(D) 949 Arlington Avenue, 18th Ward, Block 3-R, Lot 223 (part), being sold to Lane D & Margaret P. Kintigh, vacant lot containing an area of 3,300 sq. ft., \$100.00. Intended Use: Additional yard space. Council District 3.

(E) 1 Kenzig Avenue, 24th Ward, Block 24-B, Lot 181, being sold to James J. Jackson, vacant lot containing an area of 7,675 sq. ft., \$100.00. Intended Use: Car port and additional yard space. Council District 1.

(F) 1012 Haller Street, 27th Ward, Block 115-A, Lot 124, being sold to

William J. & Megan A. Hurley, vacant lot containing an area of 3,710 sq. ft., \$100.00. Intended Use: Additional yard space. Council District 1.

Which was read.

Also,

Bill No. 734:

Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with the Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

(A) 5112 Hillcrest Street, 10th Ward, Block 50F, Lot 223, being sold to James Hyland, 2 sty. brk. hse. situated on a lot containing 2,000 sq. ft., \$6,000.00. Intended Use: Rental Unit. Council District 7.

(B) 312 Lowell Street & 312 Polk Way, 12th Ward, Block 125-B, Lots 201 & 202, being sold to Connie West, 2. Sty. brk. hse. Situated on a lot containing 2,500 sq. ft. together with adjoining vacant lot containing 4,500 sq. ft., \$1,000.00. Intended Use: Personal residence. Council District 9.

(C) 4820 Chatsworth Street, 15th Ward, Block 56F, Lot 333, being sold to Georgetta Laverne Rue, vacant lot containing an area of 2,450 sq. ft., \$500.00. Intended Use: Build a garage. Council District 5

(D) 821 Arlington Avenue, 17th Ward, Block 3-R, Lot 161, being sold to James C. Will, vacant lot containing an

area of 5,940 sq. ft., \$500.00. Intended Use: Additional Yard Space. Council District 3.

(E) 18 Buena Vista Street & 16 Geranium Street, 25th Ward, Block 23-A, Lots 154 & 155 being sold to Annie C. Pettway, two vacant lots containing a combined area of 4,515 sq. ft., \$1,000.00. Intended use: yard space and gardening. Council District 1.

(F) 525 & 22 Geranium Street, 25th Ward, Block 23-A, Lots 148 & 151 being sold to Annie C. Pettway, two vacant lots containing a combined area of 4,888 sq. ft., \$1,000.00. Intended use: Yard space and gardening. Council District 1.

(G) 519 Jefferson Street, 25th Ward, Block 23-E, Lot 142, being sold to Arnie & Audra Chisom, vacant lot containing an area of 1,404 sq. ft., \$500.00. Intended use: Parking Pad. Council District 6

(H) 320 N. Graham Street, 11th Ward, Block 50-H, Lot 60, being sold to Michael & Rachael Covington, 2.5 sty. fra. Hse. Situated on a lot containing 2,999 sq. ft., \$500.00. Intended Use: Personal Residence. Council District 7.

(I) 3 Bennett Street, 13th Ward, Block 174-J, Lot 342, being sold to Michael L. Butler, vacant lot containing an area of 771 sq. ft., \$500.00. Intended Use: Gardening. Council District 9.

Which was read.

Also,

Bill No. 735:

Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act, effective December 11, 1984.

(A) 1221 Buena Vista Street, 22th Ward, Block 23-J, Lot 317, being sold to PHASE, 2 sty. Brk. & stn. Hse. Situated on a lot containing 2,200 sq. ft., \$1,000.00. Intended Use: Rehab for resale. Council District 6.

(B) 1701 Buena Vista Street, 25th Ward, Block 23-E, Lot 333, being sold to PHASE, 3 sty. brk. apt. hse. Situated on a lot containing 1,760 sq. ft., \$1,000.00. Intended Use: Rehab for resale. Council District 6.

(C) 1721 Buena Vista Street 25th Ward, Block 23-E, Lot 343, being sold to PHASE, 3 sty. brk. v. hse. Situated on a lot containing 1,300 sq. ft., \$1,000.00. Intended Use: Rehab for resale. Council District 6.

Which was read.

Also,

Bill No. 736:

Resolution authorizing the Mayor and the City's Computer Information Services to take measures to allow pensioners the option of having the electronic bank deposit of Municipal, Fire or Police pension checks. (SPONSORED BY MR. O'CONNOR).

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills? Bills are now ready for final action. All in favor of the passage of the bills vote aye when their names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES Nine NOES None

Bills have received the legally required number of votes and are passed finally.

MR. HERTZBERG PRESENTED:

Bill No. 775:

Report of Committee on Public Works, Water and Environmental Services for September 9, 1998. Transmitting one ordinance and sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 369:

Resolution enacting a new Chapter under Title Four, Article XIII of the Pittsburgh Code, entitled "Pittsburgh Shade Tree Commission, and setting forth its composition, purpose, function and powers. (SPONSORED BY MR. FERLO). (HEARING HELD JULY 23, 1998).

Which was read.

Also,

Bill No. 628:

Resolution granting unto Carl Kohlman of 5851 Ellsworth Avenue, an encroachment to construct, maintain and use at their own cost and expense, a sidewalk Café 20 feet in length and encroaching 6 feet onto a 12 foot sidewalk in the 7th Ward, 8th Council District.

Which was read.

Also,

Bill No. 744:

Resolution authorizing and directing the City Controller to deposit all proceeds received from the outdoor advertising on bus shelters into the "Shade Tree Trust Fund". (SPONSORED BY MR. FERLO).

Which was read.

Also,

Bill No. 745:

Resolution authorizing and directing the City Controller to create a special trust Fund, to be designated as the

"Shade Tree Trust Fund", for the deposit of cash and contributions and authorizing the use of the funds deposited therein by the Department of Public Works for any and all expenses associated with the operation and implementation of projects related to the planting and promotion of trees in the City of Pittsburgh. (SPONSORED BY MR. FERLO).

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills? Bills are now ready for final action all in favor of the passage of the bills vote aye when name are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Ricciardi
	Mr. O'Connor
	(Pres't)

(Mr. Onorato abstained on Bill 628 and Mr. Udin voted no on Bill 628.)

Bills have received the legally required number of votes and have passed finally.

MR. ONORATO PRESENTED:

Bill No. 776:

Report of the Committee on Planning, Zoning and Land Use for September 9, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 632:

Resolution approving a Conditional Use Exception under Section 993.01(a)A(21) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended to the Board of Public Education of the School District of Pittsburgh for authorization to construct two, 1-story extensions totaling 51,400 square feet, to Pioneer School located at 775 Dunster Street, with parking to accommodate 83 automobiles on property zoned "R1" One-Family Residence District, 19th Ward. Council District 4. (HEARING HELD SEPTEMBER 3, 1998)

Which was read.

Also,

Bill No. 715:

Resolution amending Resolution No. 724, approved August 29, 1988, providing for the implementation of a Residential Parking Permit Program in portions of Squirrel Hill - CMU Community Pursuant to the Pittsburgh Code, so as to amend the street included in Area "K".

Which was read.

Also,

Bill No. 716:

Resolution amending Resolution No. 140, approved March 20, 1997, entitled "Providing for the implementation of a Residential Parking Permit Program Area "Z" in the North Squirrel Hill community (Council District #8) pursuant to Pittsburgh Code Chapter 549, "so as to amend the streets included in Area "Z".

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills? Bills are now ready for final action. All in favor of the passage of the bills vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES Nine NOES None

Bills have received the legally required number of votes and are passed finally.

MR. RICCIARDI PRESENTED:

Bill No. 721:

Report of the Committee on Housing, Economic Development and Promotion for September 9, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 721:

Resolution providing for an Agreement(s) for Stenographic Reporting Services in connection with Public Hearing (s) for the Commission on Human Relations, at a cost not to exceed \$4,000.00.

Which was read.

Also,

Bill No. 722:

Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to pursue a Tax Incremental Financing Proposal or Proposals for portions of the East Liberty Redevelopment area No. 10. (Council District 9). (PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG).

Which was read.

Also,

Bill No. 723:

Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to pursue a Tax Incremental Financing Proposal or Proposals for portions of the Cultural District Redevelopment Area No. 53 (Council District No. 6).

(PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG).

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Onorato:

On Bill 723 I would like to have my comments brought forward. I also am going to reiterate and I am going to be voting no again. I am convinced that we finally have a factual situation that is completely different than the other TIFFS. This I guess you could say this is where I personally draw the line. I have been saying over and over again every time we have a TIFF this Council should apply the but for test. That meaning but for the TIFF financing would this development happen?

I think if you look at the Home Depot that is a classic example where but for the TIFF we wouldn't have that there. We are enticing them to come in here. They have no reason just to knock on our door to come in here. They are very successful in the suburban areas. You can't make that argument when you are talking about hotels, motels, and restaurants around the Plan B development. The Plan B Development is \$800 million and the difference between a Home Depot type of development and a Marriott is that the Marriott and the hotel motels of the world they have to be at a location. A location that is very close to the new Convention Center, very close to the two new stadiums.

They are not knocking down the door to run out to the suburban mall strips where people just shop. They want to be where the action is and that's why this is factually different.

I will say it again, if Plan B cannot generate private hotel development, then Plan B is a failure. The one thing that should automatically happen with economic spin-off from Plan B with stadiums and the Convention Center are hotels and restaurants. That is what we have been told about the Cleveland project when Jacob's field opened up, I remember the numbers. 32 new restaurants in the first year right acrossed the street.

I remember an article in the paper locally when the whole debate of funding Plan B was going on. I think the quote was there would be 1500 new hotel rooms if this deal gets approved. It didn't say there will be 1500 hotel rooms if this deal is approved and we add a TIFF to it. We were lead to believe, and I still believe, by the way, if the TIFF fails for the hotel, you will have hotels anyway. Because the demand and the economic benefit of being close to these particular entities are so great that the private sector will work there.

I understand the argument that the Fulton Building is old and it has historical value and it has renovations, even with all of that the location is so valuable because you are right in the middle of Plan B development. You will have private developers wanting to be there, private hotels to be there. That is why I will vote no again today because the but for test doesn't apply here.

The private market can work here

and we should let it work here. We somehow went from using TIFF's as the financing of last resort and it appears to me that TIFF's are now becoming the financing of first resort. That is not what TIFF's are made for. TIFF's are to try to fill in where the market doesn't work to help generate some economic activity. Let's not give away the store when we don't have to.

(See Addendum for Comments on Bill 723)

Mr. Diven:

I would also like to have my comments brought forward from last week.

I think one thing Council and the city needs to do is know when to say when. We put \$800 million out for public subsidies, which totals probably about 66 percent of that \$800 million with the basis that we are going to bring development. We are going to increase jobs and we are going to have spin-off development as a result.

I can't whole heartedly look at this and not stand up and say that we have got to be able to draw a line and say subsidizing the subsidy is not going to work. I think that if we have the Plan B go and all of that other investment and we still need to come back and provide an additional subsidy, then we have to take a hard look at Plan B. Can we spend eight hundred million dollars in doing other development with the industrial or manufacturing or bringing high paying union skill jobs to the City of Pittsburgh? If we need to prime the pump this much, maybe we need to look at providing a

different pump to prime.

(See addendum for comments on Bill 723)

Mr. Ferlo:

I sympathize with some of the concerns that Councilman Onorato and Mr. Diven have raised especially at the last several meetings where TIFF discussion has happened. As I said at the meeting last week, there I look for the grace of TIFF go no one. I still think to some extent that is the case.

I think there are some differences that we should at least look at. That is one of the reasons why I asked that when the bill comes up this week regarding the TIFF possibly for the South Side Redevelopment zone for a new hotel, we look at having other players at the table in terms of the Planning Director, and others from the Public Auditorium and Convention Center and talk about the TIFF. About economic development, about new hotels, and start getting some rhyme and reason to where the hotel district should be if that is what we are going to call it.

But in terms of the specific TIFF for the Bill 723, I think there is enough case to be made for the need for the city to provide some incentive peculiar to the Fulton Building structure. Not only because of its historical characteristics, but it is a problemson building.

It is a building that similar to the Highland Building in design actually that had its day as far as the commercial retail building. It made sense in the 20's and the 30's and the 40's when you had a lot of

small professional service class individuals that had a nice small room. Now we have corporate law firms and big auditing firms and lots of service providers of a professional character that don't fit into small cubicles any more like the Fulton Building or the Highland Building.

So there is an adaptive reuse. No other building in my knowledge is more expensive to build for lots of different reasons including the BOCA code than a new hotel. In this case, it would be taking an old building and bringing it into the year two thousand and bringing it up to code and doing all the work that has to be done. So I can see why the administration wanted to use and wanted to make available appropriately in my opinion the economic incentive and some level of support.

So, I have to in good conscience vote to support and even if you agree with the strategy that the but for test that Councilman Onorato arguably presents here this morning, I still think that but for test should be later on in the process. That what we are doing here today with the TIFF's that we have done as the first step is allow the administration to at least go out and pursue discussions and develop a financing and feasibility plan. Nothing precludes or commits Council legislatively to giving its final seal of approval on these TIFF's.

So, in a way we are giving the administration as part of their arsenal of economic development weaponry the ability to go out and try to package some deals. I think it would be wrong to prematurely curtail the ability of the Mayor, Mr. Leeper, Director Birru, Deputy Mayor Cox at all reducing their

ability to get out there and really broker for us on the part of the city.

Now, about six years ago in this Council I made a comment and, maybe it was longer. Right after the new airport opened up and because of at that time we had an administration, in my opinion, was less of a lackluster and really jumping in terms of development. To the credit of Mayor Murphy and his administration they hit the ground running day one with the Regional Asset District Funding the development fund. I mean there was a time when I actually made a comment that I could see the new City of Pittsburgh actually being in and around Moon Township. That if you had two or three major corporate buildings on the financial services nature moving out and around the airport and several major hotels, and in a 20, or 30 year period you could actually see demographically a change. That would be the second class city in Moon Township and we would not be the second class city.

Fortunately, the Mayor progressed if not few hit the ground running and his tenacity I think changed all of that at least in my mind. I think the proof is in the pudding. We have seen a lot of significant development. I think it is wrong now to curtail that in any way.

I do support your bill and I did write my own bill about TIFF's because I think we need to provide some public policy, some perimeters to the administration. But we should not cut in now to the success that we are having. If I were to use some of the discussion that we are having you could also question the wisdom of the TIFF for an ALCOA Corporate Headquarters. This is a \$6

billion country, did ALCOA really need to have a TIFF in order to do what they needed to do? The administration, the Mayor convinced us that it was needed to do that, to send the right message and to harness and to keep them being here in the City of Pittsburgh the Mayor said and rightfully so that ALCOA could be in Cleveland or the (inaudible) or anywhere else it practically wanted to be.

So, I would just say that I agree with some of the sentiments. I think your bill would provide a better crystallization of what Council and what the School Board need to be concerned about and what messages we need to give to the administration on how they define and plan out these TIFF's. But I just think it would be wrong to send at least the preliminary, preliminary message of a no vote on 723 on the Fulton Building Hotel. Because of some of the reasons I just stated so I will be voting in the positive.

Mr. Hertzberg:

Thank you. I would ask for my comments to be brought forward from last Committees Meeting, on this. I also appreciate the comments from Councilman Diven and Onorato and I take them seriously but I think we are at the early stage here and when it is just a preliminary stage. I don't know how we can make those kind of determinations at this stage that it doesn't pass the but for test when we don't really have that information.

I do know when we talk about Plan B though we can't talk about it in a vacuum and a lot of the reasons that are being put forth for even doing this Plan B is what are the other regions doing that we are actually in competition with? We are

actually last to be doing a lot of the things that Plan B does. And when you are a Marriott Hotel or any other large international company you maybe looking at Pittsburgh but you're looking at all these other cities as well. They all almost have the same thing to offer.

Unfortunately, this is how we are choosing to compete. As far as where hotels are locating right now when I look around this region, you can't miss them if you drive to the airports. You can't miss them. Moon Township actually has been written off, Mr. Ferlo, it is that area. It is Finley Township and North Fayette. If you look at the newest shopping area called the Point, which is just on the other side of the parkway from the Robinson Town Center, you will see two or three hotels that have just sprung up. You will see unmistakably construction of additional hotels.

Again, I can't help but remember what is going on at Station Square where we were told about four years ago we were going to get a new hotel there. Well, guess what? We don't have a new one and the Sheraton is the most heavily utilized hotel in this entire region. Yet we can't seem to get another one to go right near by it. So, I think the preliminary cases have been made pretty well to go ahead at this point and wait and see the figures that Dr. Birru brings us. But I think enough cases has been made to move ahead at this point.

(See addendum for Comments on Bill 723)

Ms. McDonald:

I would like to have my comments to be brought forward from last weeks

Standing Committee. Again, in the reality of big business you cannot force people to spend their dollars and to locate business just because of some moral issue, because it is the right thing to do. It doesn't work that way in the real world. That almighty dollar figure could care less. So you have to entice people with the carrot of some kind. That is business, and unfortunately that is what is happening here in Pittsburgh. I am sure it's happening in other cities.

Again, I don't want to talk in a vacuum. I think often times we are especially when it comes down to this type of legislation that comes forward. We really do need the bigger picture. I asked last week and Councilman Hertzberg as a Board member on the URA I am sure will be coming forth with Dr. Birru with information that is needed so that we can continue to make informed decision as to TIFF's and other types of tax relief that we do give out to grow the city and grow our communities.

So again, I would like to not talk in a vacuum. I am planning to vote yes. I am going to have to leave if this meeting was a long one, but I am already late for another meeting. But if staying, I would be voting in the affirmative for all the pieces of legislation and again look forward to information of what is going on in other cities and indeed borderline municipalities such as off the parkway west to see how they're doing it? What are any enticements necessary to get a real picture on Pittsburgh? To see if it's going to continue to be necessary.

I look forward to Councilman O'Connor's legislation because we have talked briefly about the TIFF's and what I

would like to see is for the time period to be reduced. I don't mind giving TIFF's, but 20 years is a long time. So that needs to be a peace of the negotiation. I don't think TIFF's should just be a blanket 20-year automatic thing. It should be negotiated and I look forward to information.

(See addendum for comments on Bill 723)

Mr. Udin:

Mr. President I will not have my comments brought forward. I intend to repeat them here today. Let me remind --

First of all I would like to clarify for the public and remind colleagues, this is not approval of this TIFF it's being mischaracterize. The language of this legislation authorizes the URA to pursue a proposal and that proposal will be brought back to Council and then we will be able to answer with some information and the but if questions. If we don't do that proposal, we will not be able to do anything but guess but if. That's one thing.

Secondly, as a Council member for the downtown area I have been very knowledgeable of the great difficulty we have had within the cultural district to get the Fulton Building project developed to attract a developer. It has not been an easy task. It is a historical landmark so that whatever renovations that have to be made to the building are going to be very difficult. It is not automatic that because of the Plan B stadium etceteras that that hotel is going to be successful. That's not automatic at all.

If that were the case, the businesses up and down Sixth Avenue would be doing and benefiting much greater from the Steelers and the Pirate games than they are doing. The business on Federal Street on the North Side have a very difficult time benefiting from the presence of the stadium.

So it should not be assumed that because of Plan B has passed that the hotels are going to flourish. Still people are going to have to negotiate even to get to the games, back and forth. You have got to negotiate Fort Duquesne Boulevard, you got to negotiate Roberto Clemente Bridge, it is not right next to the stadiums, it is quite a distance, and it is not going to be easy to find a developer for that without some incentives. But we ought to at least look at the proposal. That's all I needed to say about that.

Mr. Cohen:

Thank you, Mr. President. I agree with Councilman Onorato and Diven in this respect, that this is not as clear-cut as the tax increment financing products we have had in the past. That is definitely the case. When I first saw this project I had the same reaction that my two colleagues had, which is that given the \$8 hundred million dollars investment is going acrossed the river and right down the street at the Convention Center and the two stadiums why do we need any public help for a private operation like this?

However, the more I looked into this issue, the more I at least realized that it is not so much that it is in the Plan B area, broadly defined, but that this particular building is a difficult building to finance. It's architecture is remarkable and

one of the jewels in the crown of downtown Pittsburgh but it is also very difficult to renovate this building. It has environmental problems, some of the points that Councilman Ferlo raised before.

So I will vote for this effort to put together a tax increment financing plan, but I think we have sent a strong message and a message that Councilman Diven and Onorato took the lead on and that is when you come back, come back with a reasonable plan. One that is in fact smaller and shorter than the plan that was the original one. I hope that that does happen. Four years ago we set on a course in this city and this Council we set on a course to stimulate development in Pittsburgh especially in downtown Pittsburgh. I think for us to change that course at this time would be misguided but at the same time I think we need to lower this package to be able to make this happen.

The Chair:

I believe if I can have the final word --

Mr. Onorato:

I just want to respond. Councilman Hertzberg brought up a point which I just wanted to elaborate on because I think it really tells the story of what is happening here without us trying to guess the future. If you look at Moon Township and you look at Finley Township when they built the new airport, the reason Moon is dying is because the private ran to Finley to be next to the Airport. The analogy is so similar here.

You had to publicly finance a billion-dollar airport built, it killed Moon. The hotels tried to get as close as they could to the airport. Why do you think the hotels are going to want to be near Plan B? I remember the director of the Double Tree said this is going to be great. Maybe the bottom line is if hotels are going to be built acrossed the river on the North Side and up closer to the new Convention Center maybe the hotels shouldn't be here if they can't do it on its own.

But hotels are coming, and they are going to come with their own money because they want to be here. Just like they left Moon to go to Finley. I mean we have an example sitting in front of us. I voted for seven out of the first eight TIFF's. This is the first time I am voting no. We are not being irresponsible here. We are really reviewing each TIFF as it comes forward. I think that we don't need a study on the hotel issues, hotels and restaurants, it is very clear what happens. They need location. They need location to be next to the event. An airport or stadiums or convention center are going to dictate where those hotels go.

Mr. Ferlo:

Last comments. I think we are getting so preoccupied with the TIFF. Although I relish the debate and I look forward to the debate around your ordinance. But I think we should really at some point harking back to Councilman Udin's concern on this whole issue about how do we make sure that the benefits of whatever we do TIFF or non-TIFF actually accrue to city of Pittsburgh residents. That gets back to the jobs issue either short term jobs on the construction activity or more lasting longer lasting jobs once a

project is completed.

Do we actually know how many new city residents got jobs at ALCOA? Do we know that for the other seven TIFF's? I mean I feel more comfortable about the Home Depot in terms of employment for my constituents. A lot more of my neighborhood residents will work at Home Depot than the Second Avenue High Technology Park.

So I would hope that at some point we try to get to the other part of the equation which is really whether or not this is going to succeed and that is whether or not the residents benefit eventually and accrue benefits from these projects.

The Chair:

That's where I think the legislation I am going to introduce and most of you have cosponsored we have to take a hard look at this and you bring up a great point. I don't know anyone who works in the High Tech centers. But hopefully everybody in the city will work in the Home Depot.

If people outside of construction jobs, if people don't live in this city, we only get \$10 bucks out of that person. So it is a very good question I think we have all invested in the TIFF's. we actually have all even given the administration a blank check. But I think it is time to reevaluate. I don't want to draw the line in the sand, that is why I am in supporting moving this forward. But I think Mr. Onorato brings up a very good point with the hotel issue.

I think we are sending a clear message to the URA and anybody to

negotiate it. Now you can talk about Robinson Township the new hotels going out there, I would look at the business plan of this hotel versus what it cost to build that hotel Let's see if they got a TIFF out there or if they didn't. These are all of the things that before I final vote this we will be looking at.

Mr. Diven, I think you struck the best point of the discussion last week when you said we invested eight hundred million dollars now let's reap the benefits. If we have to subsidize everybody coming down the pike, it is not going to work. So, I think although we have difference of opinions right now on this, I think the key thing is to learn how are we going to move forward?

It is very very important and we all whether we voted for it or not, I think we put the investment in and I think we can all be proud of what has happened. But where do we move in the future? So, I am voting for this only because it is a preliminary vote to keep it moving. I am not finalizing the vote on the hotel until I see a detailed business plan and also in that business plan I want to compare it is very easy to do, compare what the hotels right outside the city are doing? What it costs? What the bottom line is going to be? What kind of investments?

So, again I don't want to stop it that is why I am voting for it now. But I think we are sending a strong message that we want to make sure that they are sharpening their pencils and we have a benefit from it. With that said if no further discussions?

Bills are now ready final action, all in favor of the bills vote aye when names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Ferlo
Mr. Hertzberg	Mr. Ricciardi
Mr. Udin	Mr. O'Connor
	(Pres't)

(Mr. Diven and Mr. Onorato voted no on Bill 723)

Bills have received the legally required number of votes and are passed finally.

MR. DIVEN PRESENTED:

Bill No. 778:

Report of the Committee on Public Safety Services for September 9, 1998 transmitting one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

(Mr. Ferlo added aye vote on all votes while out of room)

Bill No. 741:

Resolution authorizing Raymond V. Demichiei, Supervisor, Bureau of Communications, to execute on behalf of the City all required forms and reports for disaster relief under the Federal Stafford Act.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills? Bills are now ready for final action, all in favor of the passage of the bills vote aye when names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES Eight NOES None

Bills have received the legally required number of votes and are passed finally.

The Chair:

Move to motions and resolutions.

MOTIONS AND RESOLUTIONS

MR. O'CONNOR PRESENTED:

No. 779 WHEREAS, Congregation Share Torah, located at 2319 Murray Avenue, within the City of Pittsburgh, is a non-profit, tax exempt institution pursuant to the laws of the Commonwealth of Pennsylvania; and,

WHEREAS, the Congregation Share Torah desires to operate certain small games of chance and/or conduct raffles to generate funds for programming to further its lawful purpose; and,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Council of the City of Pittsburgh hereby recognizes and declares the Congregation Share Torah to be a civic and/or service organization within the context of the Pennsylvania Small Games of Chance Act, as amended.

MR. UDIN moved to adopt the resolution.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

The Chair:

We have scheduled a cable cast Post Agenda Meeting this afternoon at 2:00 p.m. to discuss the purchasing process of the Civilian Review Board. Tomorrow we have an Executive Session at 9 o'clock tomorrow morning. Anything else?

With that motion to approve the minutes.

MR. HERTZBERG moved to approve the minutes.

MR. COHEN seconded the motion.

The Chair:

Motion to adjourn.

MR. RICCIARDI moved to adjourn the meeting.

MR. HERTZBERG seconded the motion.

And on the motion made by Mr. Ricciardi, the meeting adjourned.

ADDENDUM

Mr. Onorato's, Mr. Diven's, Ms. McDonald's, and Mr. Hertzberg's comments on Bill 723 can be found in the Standing Committee Meeting Minutes of September 9, 1998.

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED THIRTIETH COUNCIL

BOB O'CONNOR President
LINDA M. JOHNSON-WASLER City Clerk
JOHN R. MASCIO Deputy City Clerk

Pittsburgh, PA
Tuesday, September 22, 1998

PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Diven	Mr. Ricciardi
Mr. Ferlo	Mr. Udin
Mr. Hertzberg	Mr. O'Connor
Ms. McDonald	(Pres't)

The Chair:

Please stand for the pledge of allegiance and remain standing for a moment of silent prayer for peace and hope throughout the world.

Our honored guest today is Mara Leff. She will be ten years old tomorrow, Happy Birthday. She is accompanied by her brother, Sam, and her mother, Susan, and her Aunt Ann Shaw. She's in the fourth grade at Shady Side Academy.

I would also sadly announce this

morning the death of Dominic Poochy Lucchino, husband of Rose, father of Frank and Larry. Frank is our County Controller. Will you please remember him in your prayers?

Mara Leff:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all.

The Chair:

I want to thank you. We have a gift for you and your brother.

We have many special guests in the audience.

PRESENTATIONS

Ms. McDonald:

Would those parties that are part of Senior Interests please come forward to receive a resolution? Thank you. There should be quite a bit. There are going to be a number of resolutions or proclamations, if you want to call them, to be handed out to all you winners. But I will read the resolution. This is sponsored by all City Council members.

MS. MCDONALD AND ALL MEMBERS PRESENT:

No. 780 WHEREAS, during the week of July 13 -18, 1998 a delegation of

34 athletes representing the City of Pittsburgh's Senior Interests Program ascended on the small college town of Shippensburg, PA;

WHEREAS, there were a total of 1,255 athletes in attendance - an all-time record of participants. This year marked the 18th anniversary of the Pennsylvania State Games which drew athletes from across the Commonwealth; and

WHEREAS, a total of 153 medals were brought home by the Citiparks Senior Interests contingent this year; and

WHEREAS, the Citiparks Senior Athletes include: Frank Cashi, Dian Chasarik, Jim Cichra, Bernice Dalton, Margaret Dietrich, Stella Dobrovolsky, Bill Emharth, Rita Emharth, Andy Farmer, Betty Farmer, Maggie Froelich, Gerald Gardner, Shirley Grab, Thelma Halliday, Phyllis Haduch, Milton Jones, Nick Kandray, Anna Lambert, Jerry Land, Elsie Lowen, Jack Masur, John McHenry, Ruth McHenry, Pete Mutmanský, Rosalie Nesbitt, Joe Pagnanelli, Mary Ellen Ponticel, Rose Snyder, Walter Speakman, Patricia Toney, Francis Walsh, Lois Walsh, Mary Wilson, and Mary Wohleber; and

WHEREAS, the top male and female medal winners from the Citiparks Senior Interests program are Andy Farmer and Betty Farmer, representing the South Side Senior Community Center. Andy, 85, won a total of 13 medals. Betty, 81, won nine total medals.

WHEREAS, one Citiparks Senior Interests representative, 77 year old Joseph Pagnanelli was inducted into the Pennsylvania Horseshoe Pitching

Association Hall of Fame in Carlisle, Pa., on the Labor Day weekend.

NOW, THEREFORE, BE IT RESOLVED, that the Council in the City of Pittsburgh recognizes and commends the Pittsburgh Senior Interests Athletes for their outstanding performance at the Shippensburg games and proudly honor them for their great representation for the City of Pittsburgh.

MR. FERLO moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Ms. McDonald:

You all have a lot to be proud of. I just want to thank you all for making Pittsburgh proud. I want to say I am not making fun, I can't pitch horseshoes. I sit there and eat; picnics are for eating. I will present this and each one of you will get this.

I want to first have Faith Gallo our Director of Parks and Recreation come forward, Mary Esther VanShura if you would like to say something and Ray Fisher.

Ms. Gallo:

I would like to thank Council for the proclamation that's wonderful and well deserved. This is a very special group and Pittsburgh is proud of you, you are terrific.

I would like to introduce Mary Esther VanShura who is the Assistant

Director for Senior Interests. I know she hasn't been feeling well lately, but I think her spirits are high.

Ms. VanShura:

Thank you, Director. I just want to say on behalf of all of us that you really have proven to the whole City of Pittsburgh that the spirit of our city is alive and well. No matter what age we are in this city we can live fully and we can live in dignity. I thank you for everything you have done for us.

Now the gentleman I would like to introduce who really organizes this whole event for us, Ray Fisher who is the supervisor in one of our areas.

Mr. Fisher:

Council members, thank you for this honor and our seniors look forward to this honor every year also. The seniors look forward to going up to Shippensburg every year and now it has become a tradition. They are looking forward to be honored by Council members with this resolution annually, also.

I just would also like to recognize two of our center directors, Christy Brown and Karen McIntosh who are the organizers of this event from the start to the finish. I think at this time we have a special treat for you. I would like to introduce Jill Paone our center director at the Oakland Senior Center.

Ms. Paone:

We have Betty Farmer who is one of our top metal winners wrote a song that we would like to do for all of you.

(Seniors sang a song).

Ms. McDonald:

Any senior representatives want to say anything or Council members?

Ms. Haduch:

I would like to thank everybody that has helped us in getting to where we were in Shippensburg and here in the city. We have Mary Esther on our side getting all of these different things and Christy Brown and everybody. I know I forgot someone, but without them we would not be where we are at. We also thank all the City Council members.

Ms. Wohleber:

I want to tell you the city supplies our shirts for us. When we have an opening ceremony just as they do in the Olympics, and we walked around the center of the course, Pittsburgh really made an impression with all of us dressed alike, carrying a banner and our flags in the honor guard. Believe me, you would have been proud of us. We were proud to represent you. Thank you.

Ms. Ponticel:

Hi, I am Mary Ellen Ponticel. I am from the Sheridan Senior Center. I wish to thank all of you for your participation in today's ceremony, which to me is so important. Maybe I am childish, I don't know, but I think it is great. Thank you again for all of your help. You don't believe how much this means to people who are quote although they don't look it, over the hill that they can do so much in

the athletic events. Thank you very much.

Ms. McDonald:

We have to state your names for the record. Mary Ellen Ponticel, Mary Wohleber and Phyllis Haduch.

MR. ONORATO PRESENTS:

No. 781 WHEREAS, Northview Heights Estates now an 882-unit community was initially constructed in 1961. The layout and landscape of the initial development had a barracks like quality. During the civil unrest of the late 60's and early 70's the deficiencies in design and physical layout became apparent. The high population and the "no-man's land" character of the open space were just some of the problems that concerned the Housing Authority; and

WHEREAS, in 1978 the Urban Initiatives Program followed by a three phase modernization program major improvements were made to several of the buildings to help reduce density and congestion; and

WHEREAS, in the 90's funding was sought to transform the community into a neighborhood that would better serve the residents in the future. Crime and security breaches were made a top priority. The safety of families and seniors needed to be addressed and Executive Director of the Pittsburgh Housing Authority, Stanley Lowe, made a promise that new improvement and security enhancements to uplift the quality of life for all Northview residents would be undertaken; and

WHEREAS, immediate solutions included graffiti removal, upgraded

meeting spaces and apartment enhancements, installation of new safety regulated playground equipment, a resident operated convenience store was opened in the heart of the community, guard stations adorn the community to ensure safety and regulation of unauthorized traffic flow; and

WHEREAS, the redirection and redesign of Northview Heights Estates is a bold step into the future of renovation for public housing. Northview Heights Estates is a pleasant and peaceful living environment for families, children and seniors; and

WHEREAS, the improvements to the community, its buildings, landscape and surrounding areas are obvious and have radically altered the Northview Heights neighborhood.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates the Northview Heights community and all of the individuals involved for their tireless efforts to improve the Northview Heights neighborhood and congratulates the community on the Grand Opening of the new Northview Heights Estates.

Also,

No. 782 WHEREAS, the Northview Heights Family Support Center is "Building Strong 21st Century Families", celebrates its official opening for services on Tuesday, September 22, 1998; and

WHEREAS, the Family Support programs are based on the philosophy that the most effective way to ensure the

healthy development and growth of small children is by supporting the families and communities in which they live; and

WHEREAS, the Family Support Centers are designed to increase the strength and stability of families, to increase parents' confidence and competence in their parenting abilities and to afford children a stable and supportive family environment; and

WHEREAS, a partnership agreement between the Northview Heights Citizens Council and the Urban League of Pittsburgh, Inc. was formalized on April 1, 1997. Each of these organizations has a role in planning, development and implementation of the Northview Heights Family Support Center; and

WHEREAS, the goals and objectives of the Family Support Center at Northview Heights are to promote healthy child, youth development and parent child interactions and to provide opportunities for economic and social self-sufficiency to its client families; and

WHEREAS, programs and services include: intensive case management, drop-in child care, parenting skills, career information, multicultural arts classes, in-home consultations, transportation services, support groups, special events activities, youth programming, child development, GED and literacy training, parent council/leadership development, and other supportive services.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates the Northview Heights Citizen Council and the Urban League of Pittsburgh, Inc. for their tireless

efforts to improve the quality of life for families living in the Northview Heights neighborhood.

MR. ONORATO moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Would Paul Ingram and the members of the PBA come up? Before they come up, I would like to notify anyone who speaks we would like to have your name, just your name for the record so we can be clear who speaks and have your words on record forever in the archives of Pittsburgh.

I am honored and this is sponsored by myself and cosponsored by all members of Council. We are very grateful for you to come up and all the hard work you have done in the community for 30 years. I will read the proclamation.

MR. O'CONNOR AND ALL MEMBERS PRESENT:

No. 783 WHEREAS, Pittsburgh Black Action (PBA, Inc. - The Second Step) was established in September 1968 as a non-profit entity dedicated to providing drug rehabilitation services; and,

WHEREAS, PBA, Inc. received a grant that same year from the Pittsburgh Catholic Diocese and opened its facility for the treatment of drug abuse through the clinical use of methadone; and,

WHEREAS, the National Institute on Drug Abuse awarded PBA a federal staffing grant. As a result, PBA hired its own Chief Administrator in 1973, becoming a freestanding clinic with its own self-governing Board of Directors; and,

WHEREAS, under the leadership of Paul Ingram, President and Chief Executive Officer, PBA's supportive services have expanded as the client mix grew and became more diversified ; and,

WHEREAS, PBA, Inc. - The Second Step, has grown to over sixty people full time, serving over 550 clients each day and is the largest methadone program in Allegheny County and the Commonwealth of Pennsylvania.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby congratulate and commend PBA for its outstanding and distinguished service in the Pittsburgh community; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh in recognition of PBA's 30th anniversary does hereby declare September as, "PBA Month" in the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

MR. DIVEN seconded the motion.

Which motion prevailed.

Mr. Ingram:

I want to thank the President and all the members of Council for having us here and giving us this presentation today,

30 years has been a long time. Among us here we have about 100 years in services among the staff. I would like to mention some of them. Marlene Burks, who has been with us 24 years or so, Bill Schneider who has been with us 26 years, Patricia Dennis who has been with us over 20 years, I have been there over 20 years and we have Mr. Bruce Douglas, and also Mr. Steve Donohue, and also Kristina Delprincipe. We are grateful to be here. We are grateful for what we have been able to do and thank you very much. God bless you.

We are located on the North Side and we have been located over there since our inception, which was back in 1968. We are right now located in a building over on Beaver Avenue. As Councilman O'Connor stated we serve over 550 people a day. That's a lot of folks. But these people come to us for services. By receiving services from us they're not out in the streets and committing crimes and doing other kinds of activities in order to maintain their habit. We are grateful to be able to provide those services to them and also grateful to the City of Pittsburgh. We are proud to be here.

The Chair:

You have all heard about the Citizens Police Academy that we started a couple of years ago and with so much success. Now we have a Pittsburgh Junior Police Academy. Would all the members please come up? Detective Cookie Coleman, Aggie Patcher, Donna Kramer and all the kids. Notice I brought you guys up last so you didn't have to go back to school right away.

Thank you for all you have done. I

will read the proclamation and let Cookie and everyone explain what you have done.

MR. O'CONNOR AND ALL COUNCIL MEMBERS PRESENT:

No. 784 WHEREAS, the Pittsburgh Junior Police Academy held its first sessions this summer;

WHEREAS, Detective Cookie Coleman, Coordinator, held classes for students from the ages 8 to 13, where their subjects included gang awareness, drug awareness, observation skills, first aid, community policing and youth and family violence;

WHEREAS, the classes were held from July 21 - July 28 and August 3-August 12;

WHEREAS, the following students successfully graduated from the Academy:

Jamal Johnson	Maurice Williams
Robert Lorenz	Kristina Lorenz
Greg Kennedy	Shedrea Johnson
James Stokes	James Slaney
Jamar Reed	Kyle Germany
Bryan Kramer	Kevin Clark
Mark Clark	Monica Cooper
John Craig	Corey Doubt
Lakyshia Durant	Shakeyla Durant
Justin Gorman	Brandi Jackson
Shannon Jackson	Andrew Janicki
Roman Lewis	Ryan Lewis
Artishae Martin	John Morgan
Justin Morgan	Jerry Snow
Michael Stoudmire	James Washington
Andre Weston	Che Williams
Shannon Winston	

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby congratulate and

commend these students and the Pittsburgh Junior Citizens Police Academy for a job well done; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh in recognition of their successful efforts declares September 22nd as, "Pittsburgh Junior Citizens Police Academy Day" in the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

This is sponsored by all Council members. Again, I have heard so many terrific things about this organization. I can see talking to the young people; they really learned a lot. Cookie, I will let you explain all that you have done, and introduce the rest of your group.

Ms. Coleman:

Thank you very much, President O'Connor and Council. It wasn't a one person effort. It started early on with Commander Regina McDonald and Lieutenant Cheryl Doubt, myself, Mr. Robert McNeilly, Senior, Aggie Patcher and Donna Kramer, Marie Fisher Williams also.

After getting the Senior Citizens Police Academy together, we decided to do a Junior Police academy. During that time we had to lay-off work for about two years and then we started back up again with it. I took ill and was off for awhile.

In my stead was Lieutenant Cheryl Doubt, Peggy Rose, Carolyn Collier, Sandra Glass, they were the ones that put the curriculum together. I tell you these women should be working for the Board of Education, the Pittsburgh Board of Education. They had a heck of a curriculum and they only had two weeks to do it.

Officer Joe Ooreo was the bus driver along with Carolyn Collier, he took the East Side and she took the North Side. I am glad all the kids got there safely and there weren't any problems. Carolyn, they call you the disciplinarian. Kids had a name for you. I think you rehabilitated some on the bus ride to the academy.

We had great instructors too, people with commitment and that's what it takes for these types of things to work is a commitment. We had people like Chief John Moon who took of his time, Lieutenant Tom Atkins, he always helps us out when we call him. Sargent Jeannie Bittle, Jean White, Larshery Powell, Shelly Brown, Vivian Andrews, detective Bryan Flemming. We had Lieutenant Sippy and Magister Simmons also, Ralph Berry and we had Tommy McDaniels.

All of these people together did such a great job to help with the success of the Junior Police Academy. We are just so proud of the kids that participated in this program. They are to be commended for their insight and their commitment to want to be able to be a better citizen of the City of Pittsburgh.

Last but not least, I would like to thank Mr. Pearson. Mr. Pearson and I go way back and he was from Crescent School and he also has a commitment. He

was able to bring all the children, most of the children to receive the award. He deserves a round of applause for that. Now I will turn it over to Commander McDonald.

Commander McDonald:

Thank you. I would just like to thank Council for recognizing our staff and our young people just like the seniors, the young people look forward to coming here and being recognized by City Council. Again, I thank my staff, City Council and the young people.

Keep in mind that throughout the summer we continue training police officers all summer long. When the young people were at the academy they were well behaved, participated and got along well with our adult officers. Thank you.

The Chair:

Before we hear from you, can we hear from some of the kids too?

Justin Morgan:

Hi my name is Justin Morgan. I attended the Police Academy the second week. The reason why I didn't attend the first week was because my mom thought I was too young. But we trained to be real policemen kind of and we learned about violence and we learned how to stop it and we kind of. I think everyone liked when the bomb squad people came in.

Dick Craig:

My name is Dick Craig and I liked the Police Academy. I attended both weeks. The first time I had only attended

the first week because I had to go to camp. Then I attended the second week so it was fun because we had to write an essay and played kick ball. My favorite part about it was lunch.

Andrew Janicki:

Hi my name is Andrew Janicki. The Police Academy I liked it a lot because we got to learn what our police officers go through and what it is like to be a police officer. I just really liked it. I would like to thank all the officers that taught us this because I thought it was a very nice learning experience.

Ms. Doubt:

Hello, my name is Lieutenant Cheryl Doubt. I was fortunate enough to get to be with both groups of children that came through our academy. It was an experience and a half. I am very proud of the children, I think they learned a lot along with their brief education at the police academy. They also got to have a good time. I think they got to get a glimpse of us officers as people too which kinds of helps to build a relationship between us and the kids.

I am very proud of my son who also went through the academy and said he wants to come back again next year. All in all, it was a very positive experience for us all. We miss the kids. We are looking forward to doing it again next year. With your support we will continue as long as we can. Thank you very much.

Ms. Coleman:

There was one student here who got an award for being the best student in the class.

Shedria Johnson:

Hi my name is Shedria and I was the best student in the Police Academy. I would like to thank everyone for letting me be there. Thank you.

Jerry Snow:

My name is Jerry Snow, and I liked the Police Academy because we got to learn about the police officers and the firemen. What I liked the best was the firemen and how the firemen stop fires. I think I want to be a fireman.

The Chair:

Who learned about first aid?

John Morgan:

I am John Morgan and I attended both weeks. In first aid we learned a lot of things like how to lay someone out on a board if they like broke their neck or back. We had them out in a wheel chair and learned how to fix up minor cuts and stuff.

Shannon Jackson:

My name is Shannon Jackson. I went to the Police Academy and I thought it was very fun. We learned a lot of things about police. We did a lot of things. I liked best when we learned about the horses that police road the horses and I liked a little bit of everything.

John Craig:

My name is John Craig. I attended both weeks. I missed the last two days of the first week because I had to go to camp.

We learned what a police officer did and what the firemen do when they're going to fires. I also learned first aid. All I got to say is I thank now the police officers and everyone else who came. All I got to say is do not dicky on my (inaudible).

The Chair:

Thank you all, not only the young but all the officers and all the trainers. It sounds like the kids got a lot of experience from horses, the police, fire, and paramedics. So it was really an outstanding event. We would like to take a picture. I have a proclamation for each and every one of you from all Council members.

The Chair:

Now move to presentation of papers.

MR. DIVEN PRESENTED:

No. 785 Resolution providing for the issuance of a warrant in favor of Xact Medicare Services in the amount of One Hundred Eighteen Thousand One Hundred Forty Five Dollars and Twelve Cents (\$118,145.12) to reimburse Medicare for emergency medical services charges, chargeable to and payable from EMSTF, Fund 2434, Subclass 600, Account 585000, Organization 220000, Budget Year 1998, Bureau of Emergency Medical Services, Department of Public Safety.

Which was read and referred to the Committee on Finance and Budget.

MR. DIVEN moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. COHEN seconded the motion.

Which motion prevailed.

Also.

No. 786 Resolution Directing the Board of Directors and Executive Director of the Urban Redevelopment Authority to pursue the creation of the Pittsburgh Neighborhood Development Fund for the purpose of providing a Tax Increment Financing (TIF) package totaling ten million dollars (\$10,000,000.00), for home improvements to residential properties.
(SPONSORED BY MR. DIVEN)

Which was read and referred to the Committee on Housing, Economic Development and Promotion.

MR. HERTZBERG PRESENTED:

No. 787 Resolution Granting unto Federated Department Stores, Inc., 7 West Seventh St., Cincinnati, Ohio 45202., their successors, and assigns, an encroachment to construct, maintain and use at his own cost and expense, a 16 canopies and three blade signs in the 2nd Ward, 6th Council District, City of Pittsburgh.

MR. HERTZBERG moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar

day following the meeting in which the will was introduced so the bill will be on the agenda this Wednesday.

MR. UDIN seconded the motion.

Which motion prevailed.

Also,

No. 788 Resolution Granting unto the Gil Sokol, Luna Bar, 304 N. Craig St., Pittsburgh, Pa. 15213, his successors, and assigns, an encroachment to construct, maintain and use at his own cost and expense, a handicapped ramp in front of 304 N. Craig St., Pittsburgh Pa 15213 in the 5th Ward, 6th Council District, City of Pittsburgh

Which was read and referred to the Committee on Public Works, Water and Environmental Services.

MS. MCDONALD PRESENTED:

No. 789 Resolution Further amending Resolution No. 1376, effective 12-14-93, amended by Resolution No. 844, effective 11-4-94, amended by Resolution 935, effective 12-7-94, entitled " Resolution providing for an Agreement (s) and Contract (s), with Consultant (s) and Vendor (s) for various expenses in connection with the Pittsburgh Advocacy Commission on Youth," by reducing the authorized amount by \$7,620.00 from \$125,001.00 to \$117,381.00, and by converting the old index code numbers to reflect the current People Soft chartfield.

No. 790 Resolution authorizing the Mayor and the Director of the Department of Parks and Recreation to name the gym at the Phillips Park Recreation Center to be

the "Harry Readshaw Gymnasium".
(PRESENTED BY MS. MCDONALD
AND MR. DIVEN)

Which were read and referred to the Committee on Housing, Economic Development and Promotion.

MR. ONORATO PRESENTED:

No. 791 Resolution submitting guidelines to effectuate warrantless arrests for public drunkenness. (SPONSORED BY MR. ONROATO)

Which was read and referred to the Committee on Public Safety Services.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. UDIN PRESENTED:

No. 792 Resolution providing for the issuance of a warrant in favor of the New York Times, 229 West 43 Street, New York, N.Y. 10036-3959, in the amount of \$2,051.70 for payment of advertising costs for advertisements of July 31, 1998, Request for Proposal (RFP) to provide Group Vision Plan services, chargeable to and payable from Account 521300, fund 1000, sub-class 150 and organization code 109350 (109000).

No. 793 Resolution authorizing the Mayor and the Director of Finance, on behalf of the City of Pittsburgh, to exchange a City owned parcel Block 35-J, Lot 157 in the 20th Ward for an equal amount of private property, part of Block 35-J, Lot 158 in the 20th Ward. Both parcels being on Cagwin Street.

Which were read and referred to the Committee on Finance and Budget.

The Chair:

Any unfinished business to come in front of Council? Hearing none, move to reports of committees.

REPORTS OF COMMITTEES

MR. UDIN PRESENTED:

Bill No. 794:

Report of the Committee on Finance and Budget for September 16, 1998, transmitting two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 728:

Resolution providing for the issuance of a \$5,874.44 warrant in favor of Laidlaw Concorde Adjusters, Inc. 669 Airport Freeway, Suite 400, Hurst, TX 76053, in settlement of a claim in which claimant's vehicle was damaged due to an accident with a City EMS vehicle on May 21, 1998.

Which was read.

Also,

Bill No. 729:

Resolution providing for the issuance of \$10,000 warrant in favor of Yolanda Glass, 665 Southern Avenue, Pittsburgh, PA 15211, in settlement of a claim for water run-off from improper street paving.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills? Bills are now ready for final action. All in favor of the passage of the bills vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Mr. Onorato	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES Seven **NOES** None

Bills have received the legally required number of votes and are passed finally.

MR. HERTZBERG PRESENTED:

Bill No. 795:

Report of the Committee on Public Works, Water and Environmental Services for September 16, 1998, transmitting one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 767:

Resolution vacating a portion of Tyler Way starting at Lowell St. and extending to a point 150 ft. west and Accepting Lot and Block 210, 100 ft by 22 ft. which will continue from the vacated portion of Tyler Way to Mayflower Street as a Right of Way in the 12th Ward, 9th Council District, City of Pittsburgh.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills? Bills are now ready for final action. All in favor of the passage of the bills vote aye when names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Mr. Onorato	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES	Seven	NOES	None
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Bills have received the legally required number of votes and are passed finally.

MR. ONORATO PRESENTED:

Bill No. 796:

Report of the Committee on Planning, Zoning and Land Use for September 16, 1998, transmitting two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 657:

Resolution approving a Conditional Use Exception under Section 993.01(a)A(9) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 to the University of Pittsburgh for authorization to construct three, four-story garden apartment buildings for student housing with sixteen dwelling units per building and no more than four students per dwelling unit to be located at 265 Oakland Avenue, 260 South Bouquet Street, and 300 South Bouquet Street on property zoned "R4" Multiple-Family Residence District, 4th Ward. Council District 3 (HEARING HELD SEPTEMBER 10, 1998)

Which was read.

Also,

Bill No. 747:

Resolution authorizing the City Controller to create a trust fund designated the Information Product Trust Fund for the

depositing of funds from the sale of products in various media forms and related documents; and further authorizing the Department of City Planning to enter into Agreement(s), from time to time, with Contractors/Vendors for the use of Information Product Trust Fund monies for the purchase of equipment, software and related materials for the Information related program; and further, authorizing the Department of City Planning to utilize Information Product Trust Fund monies for operating expenses of the Information related program.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Ferlo:

I would like my comments brought forward in regards to the conditional use approval application.

Secondly, I don't have any formal amendments but I wanted the record to reflect as far as any stipulations under conditional use. I thought the administration of the university was clear and made a commitment to this Council as it relates to one of the conditions being that students that will live in this new housing along the Bouquet Oakland Corridor will not be eligible for residential sticker parking. They made a commitment that they will notify affirmatively those students the availability of other parking facilities either surface lots or garages that are at the University's disposal. I wanted to make that part of the record.

Secondly, the administration, the Planning Director indicated she will make available to the Oakland groups and adjoining property owners whatever the construction management plan is. So that whatever disruption of streets and traffic and dirt and mud that come with new construction the adjoining property owners most affected would be aware and knowledgeable of what is going on.

There are a lot of tangential issues that always want to get talked about when the University comes before us. But we are either approving, objecting or modifying the conditional use based on Council's review of comments from interested parties who either spoke in favor, against, or in anyway could demonstrate what the detrimental impact of the proposed housing will be.

Other than some parking issues and it was kind of obscurely presented, I don't know that anyone presented detrimental impact criteria that this Council should consider in either granting or denying this application.

In the absence of that clear language or comments with the community about detrimental impact, I think we can do nothing but to approve this housing plan.

(See Addendum for Comments on Bill 657)

Mr. Cohen:

Thank you, Mr. President, I support this bill. I would like my comments brought forward on the reasons that I stated Wednesday. That is that these new units, the construction of in 192 units

in the first phase, really responds to a serious problem in the Oakland community. That is substandard housing, particularly in that area of Oakland.

I support this bill and support it strongly, at the same time a commitment was made and a condition attached to the Planning Commission's approval. That is that the University of Pittsburgh moves well beyond this. That is, to have a 1100 new or renovated units in the first five years, other master plan and to have 2200 units within ten years of that plan.

So with this approval today I hope at the same time that the University of Pittsburgh fulfills that commitment, because these new apartment houses are going to be great. I think it really starts the response to that deteriorated housing, really starts to uplift to the neighborhood at the same time, a lot more needs to be done. So I hope that this is a first step and not a final step. Thank you.

(See Addendum for Comments on Bill 657)

Mr. Onorato:

Just my comments brought forward.

(See Addendum for Comments on Bill 657)

The Chair:

It will be noted for the record. I think it was clear Mr. Ferlo's concerns about parking had been addressed. I too support this. I think it's very refreshing to really jump start the neighborhood of Oakland especially that section. I guess

we have had our ups and down with the University way before I got here. I hope this is a new start, a refreshing start that we can work with the city, the University, and the neighborhood. I think it is imperative that there are three Council members that represent that. I border it and I think we have interest on almost all Council members for the Oakland neighborhood and the potential there.

So I see Oakland if we can do it right within 10 years to be the new Georgetown. There is so much potential there. I hope this is a start of a good working relationship with all three of us.

The bills are now ready for final action. All in favor of the passage of the bills vote aye when their names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Mr. Onorato	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES **Seven** **NOES** **None**

Bills have received the legally required number of votes and are passed finally.

MR. RICCIARDI PRESENTED:

Bill No. 797:

Report of the Committing on Housing, Economic Development and Promotion for September 16, 1998, transmitting two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 724:

Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to pursue a Tax Incremental Financing Proposal or Proposals for portions of the South Side East Redevelopment Area No. 55 (Council District No. 3). (PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG).

Which was read.

Also,

Bill No. 743:

Resolution Amending the East Liberty/Larimer Certified Redevelopment Area Plan, so as to expand the plan to include the property owned publicly and privately at the intersection of Penn Avenue and East Liberty Blvd., including Dahlem Place, and extending along Penn Avenue to the intersection of Penn Avenue at Fifth Avenue and Washington Blvd., 11th Ward, Council District 9, so as to make an expanded and contiguous area. This area specifically includes all that real property known as the Nabisco Bakery, parking lot and warehouse area, census track 1208. (SPONSORED BY MR. FERLO & MS. MCDONALD)

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Bills are now ready for final action. All those in favor of the passage of the bills vote aye when names are called; all opposed vote no.

Mr. Ferlo:

Excuse me, did you read Bill 724 also? I don't have any comments on Nabisco. I would just ask that on the issue of expanding the East Liberty Redevelopment Zone as it relates to the property of the Nabisco Plant that we could ask the Planning Staff and the Department Commission for an expeditious review of this request.

But on the other bill, Bill 724 there really wasn't much discussion at the committee meeting and I am going to have to abstain today on the South Side Tax Increment Financing Bill. I know there was some discussion initially about what exactly it is that our money is intended to do.

I believe if I understand the latest it was not the actual construction of a hotel which I thought was initially stated early on. But rather some of this would support infrastructure of the roadway and the curbs and, Water and Sewer and the like. I assume that is what it was. Although I don't, that was on the record at the last committee meeting partly because myself and others may not have asked. It was at the end of the meeting and it came up. But I am going to abstain. And in light of the article that was in the Tribune Review, I

think it is incumbent upon Council to basically take a deep breath and slow this whole process down a little bit.

To some extent I agree with Councilman Onorato's comments a couple of weeks ago. But there is sense that somehow Council doesn't have direct input or doesn't have any say so or control or doesn't provide oversight on the issue of whether or not there is going to be a tax increment financing. That is probably true in varying degrees depending upon how you describe what action we are taking.

It is true that once we approve the TIF we are not involved in the nitty gritty hands on contractual relationships that exist between the lead developer or the manager and the subcontractors and a lot of other things that maybe within this city government we would be more knowledgeable about. Certainly when you read the article, some of it is really cryptic. Some of it you could say about any elected official receiving contributions through formal political action committees from all kinds of individuals who have business relationships with city government at all levels or state or county government for that matter. That's the nature of contributions that are made to elected officials.

I think it is true for Council. I think that is true for the Mayor. I think that is true for the Commissioners. I mean how is that Cranmer can raise a million and a half-dollars. Certainly not because he is particularly competent, it is because he is giving out a lot of contracts and it is just the way the nature of the beast is. But the article does suggest and leaves the public with the impression that we haven't done our homework. I don't want to be

included on that vote.

There are a number of TIF's that are coming out, at least that are being contemplated. Your proposal, Mr. President, in relation to going back and critiquing some of the economic and budget information regarding the previous TIF's and better defining what our process will be and whether or not we approve or reject a TIF looking in more specifically on the financial impact of loss tax revenue. There are related issues of what are the actual economic impacts.

I mean as much as I applaud and am excited about the Home Depot, I know in the back of my head at some point a local neighborhood hardware store or paint store or someone is going to be adversely effected. Maybe it is appropriate that when we rush to trip over ourselves to cut a ribbon and build a building like a Home Depot because it is very exciting, it is a major thing, it is an anchor tenant and all the intended side benefits we are hoping for. Maybe we need to also analyze what the actual impact will be.

Maybe it has become time that we need to slow the approval process down a little bit, critique and review some of these different issues including the actual impact of how it effects the other business community. What are the actual either job loss, or business tax loss from businesses that maybe directly or adversely effected from new construction?

It's going to be different depending on the nature of the TIF, but I think -- I am feeling very uncomfortable in proceeding any further at this point until we have better defined our ordinance. That we have given a better dictate to the

administration in negotiation and the execution of all of these contracts and it maybe that we want to have some input on the manner in which contracts are let out including the issue of competitive bidding. There are any number of issues that I think we want to maybe at this point intervene in.

I am not going to be critical of this legislative body. I think we are acting in the best interest of wanting to make sure we grow this city, we want to be supportive of the administration. I have said that in numerous comments to this Council over the last year and a half. But it is also correct as a legislative body, it is not inappropriate, that we would say let's slow down a little bit. Let's try to better critique our review process. Let's better define some bill in particulars.

I am concerned about the article in the Tribune Review only because it casts a shadow, I think, to some extent inappropriately. But I don't think we should in any way give the public the sense that Council is not doing our homework and not fulfilling our obligations. If we aren't, then I think we need to strengthen the relationship.

Mr. Onorato:

Point of procedure. Do you object to recommitting because I actually agree with a lot of your questioning? I would like us to do this at a Wednesday meeting.

Mr. Ferlo:

It's up to the body. I am just letting the body know I am going to abstain.

Mr. Hertzberg:

Thank you. I am not sure why there wasn't more discussion on this bill last Wednesday. But every TIF we have ever seen, this one is the most unique and different and probably the least objectionable one that could possibly be out there.

Unlike some of the other TIF's where you have a large, very solvent, private entity guaranteeing the bonds, this TIF would just take the tax revenue generated on site in the old LTV site and put it into a segregated fund, which would then be used exclusively for public improvements on that site. Bottom line is it is a very large site.

There is a very elaborate plan that appears to be a very good plan for mix of commercial, residential, and just a variety of nice looking plan development. But there isn't funding to go ahead and into the next phase of it to do the streets, to do the water lines, to do the lighting and to do all the public kinds of improvements that you need to have in order for the community that is planned to be there to ever get done.

So that's what this TIF is. It's not anything like some of the other ones. Also, I would note that again what we are approving or what is proposed here is not the TIF itself. It is just giving the Urban Redevelopment Authority a green light at this point to go ahead and get all the particulars together. We still have to have a Public Hearing on this. We still have another vote once we have all the specifics in front of us. I would ask everyone to support it. I intend to support it.

If we need to recommit it and have more discussions, I can understand that but I think what you're going to find out is this

is not a conventional TIF that we have seen in some of the other instances.

Mr. Ferlo:

The article, I hate to hearken back to the article, but it does suggest at least the appearance of in propriety on the part of at least one URA Board member, if the article is accurate. I don't know if it is or not. I would like to as a side-bar ask that URA representative to explain their vote as it relates to the bill in particulars that are outlined in the newspaper article.

Mr. Hertzberg:

Is that me or someone else?

Mr. Ferlo:

I didn't mention any names, just read the article. The other backdrop and concern I have is I feel like things are coming apart here.

The Chair:

Are you asking for a letter from the

Mr. Ferlo:

No, let me just finish my comments first. First of all, Mr. Leeper, God bless him, is moving on and is now heading up the new Public Auditorium Authority. It is a very exciting position for him. I applaud the Mayor for recognizing his talent and giving him an opportunity. As far as I am concerned, we couldn't have a better person protecting the public good and our interest than Mr. Leeper who had this initiative up.

But to me at least a significant vacuum in the Mayor and the administration's office as it relates to economic development on a whole host of other neighborhood economic development agenda items. Dr. Birru, God bless him, he is one of my hero's but 60 to 70% of his time is spent on non-city work out at the county level and I respect that. But I am feeling very uncomfortable now that we are kind of becoming the big spender but a very small part in any of the decision making process on all kinds of different economic development initiative.

We have Dr. Birru, but he is further and further away from this Council and the process. The chief person that we have relied on historically to be accountable to us and work with us, Mr. Leeper is now off doing a very exciting job for the Auditorium Authority and all the Plan B development. Either that, that also is further making me feel uncomfortable in asking that we take a deep breath and slow the process down. That is why I am going to either abstain or if colleagues want to recommit the bill but I am not voting in favor of the TIF today.

The Chair:

Just to clarify the TIF, I was under the understanding that it was more what TIF's were all about for infrastructure. Again, it is only a guideline that they would pursue it before final vote it would have to come back to us.

Mr. Ferlo:

The only issue I would raise and it is a practical issue. I would refer to Mr. Udin and others. It is true that we are only giving the initial green light, but the

practical matter is that once we do that, the administration pretty much packages the deal and it is handed to us. We know and it is certainly true with this administration there is to define it as a fine art. We are the bad guys at the 11th hour if we don't agree to something even though we have raised a significant concern.

So unless we implant or imprint upon the administration prior to their formal negotiation with the School Board and the county to develop with the contractors whatever the bill of particulars. For instance, if we were to say that we want the element of competitive bidding present instead of all of these deal makings that go on, that certainly is going to change even at preliminary level of how they are going to negotiate that TIF. So, on a practical level I think we need to still do what I suggested earlier.

The Chair:

Could you answer one question for me, I left the room and came back and the TIF was over, so there was very little discussion on the South Side. Is this a zero TIF and does that mean all the projects coming in would only pay-- although the money is going only to infrastructure, are we not going to receive any tax revenue for the next 20 years on the South Side?

Mr. Hertzberg:

I am not sure of the percentage.

Mr. Udin:

I think it's important not to confuse the public about what action is being proposed here. The action being proposed

here is simply to authorize the Urban Redevelopment Authority to develop a proposal, which would be the subject of a Public Hearing and which would come back to Council for approval.

Now our giving the green light for them to develop a proposal does not take anything away from our responsibility or our authority to examine every aspect of that proposal and to act responsibly. If we fail to do that, that is not the fault of the ones who developed the proposal, it is our fault.

So we have the obligation to review the proposals in detail. The questions that we are asking about this item cannot be answered unless a proposal is developed. I certainly don't think that it is appropriate for us to withhold the forward motion that we approve at the Standing Committee Meeting based on some speculation by a newspaper editorial. If there is some ground for the information that the newspaper editorial suggests, I think they have a responsibility to come forward with it. But we can't stop every time some reporter or some editorial board suggests that there is some impropriety unless they have some evidence. I think it really is unfair to suggest it unless they really have something.

At any rate, the answers that we need to decide on can only be made available to us if the project is put in the form of a proposal so we can review it. That's the only thing that is being proposed here today by this legislation. Let that be clear.

Mr. Ferlo:

I would like to make a motion to

suspend rules of Council and I would like to make a motion that we attach to this TIF an element of competitive bidding with all contractors having in place a guaranteed or a bonafide labor organization agreement.

Mr. Onorato:

Point of procedure.

Mr. Ferlo:

We can start the process now to better define our Council oversight if you want?

Mr. Onorato:

Mr. President, point of procedure. The fact that the Councilman's district is effected is not present. Councilman Ricciardi is on the South Side. It appears that I am prepared to either abstain or vote no. This thing may not even have five votes I would recommend that we recommit and have the debate tomorrow.

MR. DIVEN seconded the motion.

Mr. Cohen:

We had very little discussion last Wednesday. I think that we should.

The Chair:

All in favor of a recommitment?

(Mr. Udin voted no.)

The Chair:

Roll call vote.

The ayes and noes were taken

agreeably to law, and were:

AYES:

Mr. Cohen
Mr. Hertzberg

Mr. Diven
Mr. Onorato
Mr. O'Connor
(Pres't)

(Mr. Ferlo and Mr. Udin voted no on the recommitment of Bill 724).

The bill is recommitted.

The Chair:

Gentlemen, tomorrow will be discussion on my proposal which was actually cosponsored by most of you to review to take Mr. Ferlo's words. Let's take a deep breath, it has nothing to do with a newspaper article, it has nothing to do with this particular TIF.

We have been discussing and actually I have heard discussion from all of you over the last six months with major growing concerns over TIF's. So I think we are all on the same page. We can discuss it tomorrow how to evaluate and where do we go in the future.

Again, I agree with you, Mr. Udin. We don't want to stop progress, but at this one more day, one more week will not hurt to question this TIF a little further. But I think it is really very important. I would ask for your indulgence tomorrow with ideas and suggestions on how do we move forward with getting a better handle on it. I don't want to go into further discussion today, we have all day tomorrow at the Council meeting tomorrow.

Any further discussion on the bills?

Bills are now ready for final action. All in favor of the passage of the bills vote aye when names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Mr. Onorato	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES Seven NOES None

Bills have received the legally required number of votes and are passed finally.

MS. MCDONALD PRESENTED:

Bill No. 798:

Report of the Committee on Parks, Recreation and Youth Policy for September 16, 1998, transmitting one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 746:

Resolution authorizing the Director of the Department of Parks and Recreation to enter into an agreement with the Brightwood Athletic Association to facilitate the receipt and disbursement of grant monies received by the City of

Pittsburgh from the Pennsylvania Department of Community and Economic Development in the amount of \$30,000.00 chargeable to and payable from Account 526100, fund 7314, organization 523000, subclass 600, budget year 1998.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills? Bill is now ready for final action. All those in favor of the passage of the bill vote aye when names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Mr. Onorato	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES Seven NOES None

Bills have received the legally required number of votes and are passed finally.

The Chair:

Under Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Ferlo:

I don't know if you want my Engineering and Construction report, but I will give it next week since you didn't call me earlier.

The Chair:

I apologize. I thought Mr. Ricciardi was up today.

Mr. Ferlo:

No problem. We will do it next week. We will have work done and we will have more to report.

A couple of things, this is just in terms of my own neighborhood district. We have a reservoir meeting. It is just not effecting Highland Park, but there are a lot of residents in the city concerned about the potential covering whether plastic, vinyl top. The Highland One Reservoir and we have been engaged with the administration a whole lengthy process.

But there is a follow up meeting on Thursday, October 8th at Vintage in relation to the Pittsburgh Water and Sewer Authority coming back to the community with an alternative plan on micro-filtering of the water. This involves the construction activity. I have requested that activity take place at the foot of the reservoir within the park as opposed to potential site known as the Flynn Parklet.

But in any event there is a meeting Thursday, October 8, at 7 p.m. Tomorrow night I have a meeting with residence at Stanton Heights at 6 p.m. at Sunnyside School. This is to get community input on a new playground that will be constructed by the city, a major new playground in the diamond field area in Stanton Heights. So

I just wanted to put a plug in for those two meetings.

The Chair:

Is it okay to do your report next week?

Mr. Ferlo:

I will be more than happy.

The Chair:

Thank you. I think Highland Park is a big issue and there will be a lot of concern on that. The reservoir especially.

Mr. Ferlo:

Also, Mr. President, if there are any community groups in my district or business groups or any bonified group that needs a copy of the updated urban zoning code, the city zoning code, if they just call my office I will be glad to print it out and make copies available to community groups. My office phone number is 255-2142.

The Chair:

Aren't they ready? Do you have to make your own copies or aren't they available for everyone?

Mr. Ferlo:

They're ready at the library, they're ready for \$10 at Kinko's but, I am willing to make sure my groups have them so just call my office.

The Chair:

Any of my constituents want to call Mr. Ferlo he will make copies for you.

Any other discussion?

Mr. Cohen:

Thank you. A few weeks ago I discussed the problem of fees for groups that want to do positive things for their neighborhoods. One of them that I brought up a few weeks ago was the Bloomfield Business Association that wants to put up American Flags on poles up and down Liberty Avenue. The fees that they were going to be charged for that was somewhere in the area of \$1200 per year to do that. Obviously that made it prohibitive.

Now I have in Shadyside on Ellsworth Avenue the Ellsworth Avenue Business Association wanted to put up banners to promote Ellsworth Avenue and they are finding the same problem. That is just exorbitant fees to be able to do something that promotes their neighborhood.

The reason I bring it up as we head into the budget season, it highlights the fact that we need to look at all the fees, streams of revenue, taxes etc. and do it comprehensively. So that we can decide what of these makes sense and which of them don't make sense. Some fees may need to be raised but some fees need to be eliminated. This is one of them.

I know that Councilman Udin I see that he wanted to jump in on this and I hope he does. I also wanted to say that I know he's started a committee to look at fees comprehensively our streams of revenue. I appreciate that very much and I

hope that they look at this fee which is really a chilling effect on promotion of neighborhoods.

The Chair:

These are banners that they are paying to put up too? It is not like they are asking the city to do it.

Mr. Cohen:

Exactly. That is correct.

Mr. Udin:

Yes I want to assure Councilman Cohen that on two levels I think this is being approached. One is that there has been a formal review of the entire fee structure being done by the department of finance and the administration and that report is due shortly. So we will have the recommendations from that report to consider in the budget deliberations.

In addition to that, the administration has agreed to the creation of a task force of sorts to review the entire tax structure of the city and to consider all of the different tax change proposals that have been put on the table either by members of Council or the administration or legislation that is being considered in the state legislature for tax reform and make recommendations to the administration and to Council.

Again, any Council members who have individuals who they think could make a contribution and would be interested in serving in that capacity are urged to get the information, the names and addresses and phone numbers of those people to me as soon as possible. We are

in the process of putting that committee together.

Mr. Cohen:

That will be very helpful.

Mr. Hertzberg:

On the specific banner fee problem, I know there is a subcommittee or task force or whatever you want to call it that is comprised of the Department of Public Works and the Finance Department. I attended at least one meeting and it was clear to me that they probably had at least one other meeting. Their goal is to try to make some sense out of the issue and not chill the ability of the community groups to put some banners up. So it's being looked at. Although I wish you had an answer now instead of being stuck in the middle on this Bloomfield issue.

Mr. Cohen:

I got an answer from the Finance Department and that is that fee is going to be waived, and it better be waived. But what that does is obviously creates an unfairness in that some people pay the fee and some people don't and that's not right.

So I hope we do everything to eliminate that fee.

Mr. Hertzberg:

It's either got to be eliminated or it's got to be reasonable. I think you will have to wait to hear the presentation. But there are some costs to the city. So there will be something comprehensive coming up with the budget on that topic.

Mr. Ferlo:

This is a follow up. When I agreed to cast a vote to further lower the income that we would receive on business privilege tax a year half ago, I guess it was, the administration and the Mayor specifically made a commitment to me that he would look at waiving or eliminating some of the what I call nuisance fees. That hasn't really happened.

So I hope whatever is being done by the Finance Department is actually a follow up at least to that commitment that the Mayor has made to me personally in an exchange for a vote. I will be real up front with you, I was seeking to eliminate some of these nuisance fees. It hasn't happened yet, I relish the opportunity come budget time to either eliminate or reduce some of the fees and specifically one of my targets has always been the \$20 sign identification permit for local and small business and neighborhood corridors. Its a ridiculous fee, it's (inaudible), it doesn't even make any sense. We don't do any inspection. It is just really shaking people down for a \$20 bill. It is wrong. It should be eliminated and we should get rid of it.

The permits for some of the shelters with some of the senior groups that we represent many of them are community based or even based on their own rec centers. They have to pay \$175 for park picnic shelters. They end up calling me; I end up paying some of these fees.

I wish we could straighten some of that out. We should just bang the video poker machine folks. We should raise the video poker machines. There are thousands of machines in this city. In fact

there are thousands more illegally.

There is a little corner grocery store in Sheridan maybe my colleague doesn't even know about. It has eight illegal machines in their basement. It doesn't even meet the zoning code, let alone you have to knock three times and ask for Louis to get into that grocery store. But the point is there was a fake store on Liberty Avenue in Bloomfield with a five and ten store and they never sold a five and they never sold ten, they only took a five and a ten for the poker machines. But we should bang the poker machine crowd raise that fee from the \$350 and cover some of these ridiculous nuisance fees that we have.

The Chair:

They would be glad to pay it.

Mr. Ferlo:

I look forward to doing it. Just raise the fee and leave them alone.

Mr. Onorato:

I want to chime in. I agree with Councilman Ferlo on the debate over the last couple of budgets as to why these fees were there. They were supposed to be lowered. Councilman Cohen is absolutely right I think the example he gave of Bloomfield, I really point out the problem and how upside down our fee structures are. Only in this country can you give a constitutional right to burn a flag for free without a permit, but when you want to fly one you have to pay it and get a permit. It is unbelievable.

If you think about that, this whole

society is turned upside down. So, I can tell you right now, regardless of what comes out of these committees it will not be a fee to fly a flag in front of anybody's business.

The Chair:

You know it is amazing if you drive Memorial Day and Fourth of July through some of the suburbs, they have the whole town covered with American Flags. It really looks good. We are charging our friendly neighbors to put them up.

Mr. Onorato:

I think it should be pointed out the University flies the city flag at the one end zone which looks great.

The Chair:

Any other discussion? Can I have a motion to approve the minutes?

MR. UDIN moved to approve the minutes.

MR. FERLO seconded the motion.

Which motion prevailed.

The Chair:

Can I have a motion to recess this meeting until tomorrow, Wednesday?

MR. UDIN moved to recess the meeting.

MR. FERLO seconded the motion.

ADDENDUM

Mr. Ferlo's, Mr. Cohen's and Mr.

Onorato's comments on Bill No. 654 can be found in the Standing Committee Meeting minutes of September 16, 1998.

UNFINISHED BUSINESS

The Chair:

We will now reconvene Council's Legislative meeting of September 22?

REPORTS OF COMMITTEES

The Chair:

Reports of Committee, Finance and Budget.

MR. UDIN PRESENTED:

Bill No. 799:

Report of the Committee on Finance and Budget for September 23, 1998, transmitting one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 668:

Resolution authorizing to increase the bonded indebtedness of the City of Pittsburgh by issuing General Obligation Bonds in the aggregate principal amount of \$200,000,000 consisting of Series A of 1998 Bonds to provide funds to advance refund all or a portion of the City's outstanding General Obligation Bonds, Series B of 1991, Series D of 1992, Series A of 1994, Series A of 1995, Series A of 1996 and consisting of the taxable Series B of 1998 to advance refund all or a portion of the taxable Series B of 1996

Bonds and to pay the costs of issuance of the Bonds.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Ferlo:

Mr. President, I would like my comments brought forward for the public record. I also would like the Solicitors opinion regarding the issue of Grant Street Advisors to be part of the public record as requested by myself and other colleagues.

Thirdly, I would like the acknowledgement from the Finance Chairman that in requesting information further from the Finance Director Hennigan on the disposition of the \$7.4 million included in that will be a report from Director Reginella in Engineering and Construction on urgent capital needs that Council should also entertain.

(See addendum for comments)

Mr. Udin:

So adopted.

The Chair:

Any further discussion?

Mr. Udin:

Request that all comments be brought forward.

(See Addendum for comments)

The Chair:

The bill is now ready for final action. All in favor of the passage of the bill, vote aye when names are called; all those opposed vote no.

Will the Clerk please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Udin	Mr. O'Connor
	(Pres't)

AYES Eight **NOES** None

Bill has received the legally required number of votes and is passed finally.

Do I have a motion to adjourn?

MR. HERTZBERG moved to adjourn the meeting.

MR. FERLO seconded the meeting.

And on the motion made by Mr. Hertzberg, the meeting adjourned.

ADDENDUM

Mr. Ferlo's, Mr. Cohen's, Mr. Diven's, Mr. Hertzberg, Ms. McDonald's, Mr. Ricciardi's, Mr. Onorato's, Mr. Udin's, and Mr. O'Connor's comments on Bill 668 can be found in the Standing Committee Meeting of September 23, 1998.

The Chair:

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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Municipal Record

ONE-HUNDRED THIRTIETH COUNCIL

BOB O'CONNOR President
LINDA M. JOHNSON-WASLERCity Clerk
JOHN R. MASCIO Deputy City Clerk

Pittsburgh, PA
Monday, September 28, 1998

PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Diven	Mr. Ricciardi
Mr. Ferlo	Mr. Udin
Mr. Hertzberg	Mr. O'Connor
Ms. McDonald	(Pres't)

The Chair:

All please stand for the pledge of allegiance and remain standing for a moment of silent prayer for peace and hope throughout the world.

With us today we have two guests Kornell McKree is in the fifth grade and William Scott McKree is in the fifth grade at Wyle Technology Institute. William is here with his Mother, Janice Scott and his little brother Eric, and they are accompanied by their Counselor

Mrs. Brown.

Kornell McKee and William McKree:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

The Chair:

Thank you. We have a gift for you for coming down.

PRESENTATIONS

Mr. Diven:

At this time representatives from the Pittsburgh Partnership Against Domestic Violence please come up. With us today we have Mr. Paul Burchfield and Mrs. Paulette Binotto. I will read the proclamation.

MR. DIVEN PRESENTS:

No. 800 WHEREAS, the Pittsburgh Partnership Against Domestic Violence was formed in March of 1996 as a means to coordinate forces that work well together in Domestic Violence Court to speak out against domestic violence; and

WHEREAS, the members of this partnership are the City of Pittsburgh's Magistrate Court, Domestic Abuse Counseling Center, the Veterans'

Administration and the Women's Center and Shelter; and

WHEREAS, from 1994-98 the Domestic Abuse Counseling Center provided batterers counseling to 4,000 men. The Veterans Administration also provides batterers counseling to approximately 200 batterers per year. Additionally, there were 3,850 arrests for intimate partner abuse in the City of Pittsburgh; and

WHEREAS, from July 1, 1995, to June 30, 1998, the Women's Center and Shelter provided 11,101 nights of shelter to women and children. It also provided legal options, counseling, and accompaniment to women; and

WHEREAS, the Women's Center and Shelter's hotline answered 5,947 crisis calls, provided many hours of counseling to women and their children and presented educational events to 28,078 students.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby commends the Pittsburgh Partners Against Domestic Violence for its efforts to deal with the problem of domestic abuse in the City of Pittsburgh.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare October 1998, as Domestic Violence Awareness Month throughout the City.

MR. FERLO moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Diven:

I think our colleagues are all aware of the important work this is. I would like to commend both of you for your work on behalf of trying to stem the tide in domestic violence and helping people in the time of crisis. With that, I would like to call up Paulette and ask her if she could say something.

Ms. Binotto:

Thank you. I would like to thank Council for this proclamation and especially Councilman Diven. Three years ago Judge William T. Simmons called the Women's Center and Shelter and asked us to join him because he noticed the rate of (inaudible) of men who were appearing before him in domestic court and he wanted to do something about that.

Well, at Women's Center and Shelter we believe education is the best way to end domestic violence and break that cycle. When we send our teams into the schools we send them in men and women together and each team is racially and genderly balanced. Forming this coalition three years ago has proven that men and women can work together, but it has also proven that agencies can work together to help to end violence. We are very proud of the work that we are doing and we thank you very much.

Mr. Udin:

I would just want to commend you on your work. I can remember not that long ago when calls to the police for help

or calls to anyone for help would just elicit a response that would say oh that's just a domestic situation. It never got a high priority and women have suffered for decades and at the hands of abusive men and have gotten very little support from the public service agencies.

But now domestic crimes are taken seriously and have reduced domestic violence a great deal. It's because of your work primarily that that happens. We all need to pay much more attention to prevention and do anything we can to reduce the amount of domestic violence. It's still a hidden phenomenon that occurs much more widespread than we are willing to admit.

So, I thank you for taking on such an unpopular cause and being effective with it. Thank you.

Mr. Ferlo:

Friends from Lawrenceville Community come forward please.

We have two good friends of the community with us. Cecilia Edder who is active in the Block Watch Committee from our Lady of the Angels and also Mary Ellen Wilkerson from Saint Francis Hospital. I will let her have these and I will read the following proclamation.

MR. FERLO PRESENTS:

No. 801 WHEREAS, the Lawrenceville Family Health Fair, presented by Our Lady of the Angels Parish, will be held Saturday, October 3rd from 9:00 a.m. until 3:30 p.m. at the Parish' Education Office located at 256 44th Street; and

WHEREAS, the Health Fair is an event free to all and will information booths designed to educate visitors about important health issues, free services such as flu shots and various health screens, and a variety of other activities; and

WHEREAS, the Health Fair includes the participation of St. Francis Medical Center, UPMC St. Margaret's, the Lawrenceville Health Center, Highmark/Blue Cross Blue Shield, Pittsburgh Speech and Hearing, ACHD, Pittsburgh Bureau of Fire Prevention, Police Department, Lawrenceville Vision, Pittsburgh Public Schools, Giant Eagle Pharmacy, and Councilman Jim Ferlo; and

WHEREAS, the Health Fair will not only emphasize the critical nature of and provide solutions to many of our country's leading public health and public safety issues, but will also be a fun event for the whole family to enjoy and will include costumed mascots, food, games and crafts;

NOW, THEREFORE, LET IT BE RESOLVED, that the Council of the City of Pittsburgh does commend and congratulate all participants in this year's Lady of the Angels Parish Lawrenceville Family Health Fair for their hard work, heartfelt concern and for their commitment to ensuring the highest quality in public health and public safety for residents of the City of Pittsburgh; and

BE IT FURTHER RESOLVED that City Council implores that all residents of Lawrenceville and its surrounding neighborhoods take advantage of the multitude of opportunities that the Health Fair presents.

MR. COHEN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Ferlo:

Thank you very much. I thought it was important to try to highlight this year's event. It is the third event, I believe. There were several hundred people that came out last year. I do want to thank our two leading larger hospitals, Saint Francis Hospital located in the Lawrenceville community as well as UPMC Saint Margaret's.

One of the individual's from the community works very hard, spends a lot of her volunteer hours is a young lady to my left, Cecilia Edder from the Lawrenceville neighborhood. She has been heading the Health Education Committee of the Parish Council for a few years. It was partly her mastermind in getting this annual health fair together.

I did want to highlight the event because it is coming up on October 3rd. This is a good opportunity to let the Lawrenceville residents know, especially some of the older residents and younger who would like to afford themselves a flu shot as well as a lot of other health education needs, what will be discussed at the health fair. So it is a great event and we do want to thank our two larger hospitals for their commitment to primary health care services.

We know for a fact that in this country alone there are over 35 million

Americans who have no form of health insurance of any kind and there have been significant changes in the Medicaid State Medical Assistance Act where many people are now falling through the cracks. It is somewhat of a contradiction. It is almost like you get real sick and have to go to the hospital and your bill is big enough, they will spin your income down in such a way to make you eligible, but they won't pay for basic, cheaper primary healthcare. It is an amazing contradiction that exists in this country and in the Commonwealth. So that's why these education fairs and free health service opportunities are so important to the community.

So with that, I wanted to ask Cecilia to say a few words. Also, we have Mary Ellen Wilkerson here also from Saint Francis and maybe they both would like to say a few words.

Ms. Edder:

As a representative from Lawrenceville, one of the reasons that our Lady of the Angels got involved in doing a health fair was that several years ago we recognized the fact that even though we are an aging community, that health services were not available for approximately 3,000 children in the Lawrenceville area. So we started out with the campaign of making the community a healthy community by starting with our children. From that it just grew. So now we provide services for not only the elderly but also the youth of our community.

Mary Ellen Wilkerson can tell you more about the services that we will be providing through both hospitals. Thank

you for your proclamation.

Ms. Wilkerson:

In talking about services that we are offering as a joint effort from both Saint Margaret's and Saint Francis, there will be flu shots, there will be cholesterol screening, there will be strength testing for teenagers. And there is a Tai Chi program where we will introduce to anyone who is interested the benefits of Tai Chi and the effect that it has on the protection of joints.

But to stretch that a little bit, when we talk about joints I am moving it into partnerships. I think that's exactly what this health fair represents is a partnership between health care facilities, City Council, and Councilman Ferlo's Office to whom we have a lot of gratitude because he's helped to move this process.

We work together to benefit the people in that Lawrenceville, Garfield, Bloomfield in that whole community and to give them an opportunity to identify their health needs and to take advantage of health education, and those things that are out there.

But it has to be done in a partnering way because as Councilman Ferlo referred to, the dwindling amount of health insurance that's available to people and difficulties people have in using HMO's and PPO's and all those different third party payers. So this is kind of a partnership and establishing a working group within the city, within the hospitals, and within the community is just so key to how we will provide health care in the future. I thank you all for that opportunity.

In the name of the sisters, I am sure

there is a lot of gratitude coming from our leadership, Sister Florence Brandt and of course Sister Rosito Wellinger. Thank you.

**MR. COHEN AND MR. DIVEN
PRESENT:**

No. 802 WHEREAS, for the past ten years, the Pittsburgh Critical Incident Stress Debriefing (CISD) Team has been a cooperative effort of the University of Pittsburgh Medical Center, the Center for Emergency Medicine of Western Pennsylvania and the City of Pittsburgh Department of Public Safety; and

WHEREAS, Pittsburgh CISD personnel offer counseling services to emergency workers after a critical incident such as a line of duty death, suicide, or a disaster; and

WHEREAS, recently, Pittsburgh CISD personnel counseled over 700 on-site and emergency workers in connection with the tragic crash of U.S. Airways Flight 427 where 132 people perished; and

WHEREAS, in the past ten years, the Pittsburgh CISD has performed over 1000 critical incident stress interventions, providing services to over 8000 people; and

WHEREAS, all Pittsburgh CISD interventions are performed free of charge as a community service by the team which includes firefighters, police officers, EMS personnel, nurses, physicians, social workers from emergency departments of hospitals and mental health professionals.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh does hereby support and

commend the Pittsburgh CISD Team for its fine work in the counseling of emergency workers.

AND BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh congratulates the Pittsburgh CISD Team on its Tenth Anniversary.

MR. FERLO moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

The Chair:

Now move to presentation of papers.

MR. DIVEN PRESENTED:

No. 803 Communication from Kathleen Kraus, Acting Director of Public Safety requesting permission for Kerry Taylor to attend the 8th Annual Violence Conference in Dallas, TX, from October 18-21, 1998. Kerry Taylor is a Victim Advocate for the Women's Center and Shelter, not a City employee, cost not to exceed \$2,081.79.

Which was read and referred to the Committee on Public Safety Services.

MR. HERTZBERG PRESENTED:

No. 804 Resolution granting unto William Pegg, 161 Brahm Street, Pittsburgh, Pa an encroachment to construct maintain and use at his own cost and expense, a parking area in the 26th Ward, 1st Council District, City of Pittsburgh.

No. 805 Resolution granting unto U.S. Web Electronic Images of 313 E. Carson Street, Pittsburgh, PA 15203, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, hanging of banners, 3 ft. wide, with one being 20 feet tall and the other 15 feet tall in the 16th Ward, 3rd Council District, City of Pittsburgh.

No. 806 Resolution granting unto Demo Kephlogianis, 1889 Café, 2017 E. Carson Street, Pittsburgh, PA 15203, an encroachment to construct, maintain and use at their own cost and expense, a sidewalk Café, extending 25 ft. in length and encroaching 7 feet onto a 15 ft. sidewalk in the 17th Ward, 3rd Council District, City of Pittsburgh.

No. 807 Resolution granting unto John Baranowski, 800 Perry Highway, Pittsburgh, PA 15229, his successors, and assigns, an encroachment to construct, maintain and use at his own cost and expense, the use of Chancery Lane in the 1st Ward, 6th Council District, City of Pittsburgh.

No. 808 Resolution granting unto Sarah Heinz House located on East Ohio Street and Heinz Street, Pittsburgh, PA their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a sign that is 3 feet in height and 30 ft. in length in the 23rd Ward, 1st Council District, City of Pittsburgh.

No. 809 Resolution granting unto Kossman Development Company, 11 Parkway Center, Pittsburgh, PA 15220, their successors, and assigns, an encroachment to construct, maintain and use at their own cost and expense, a cyclone fence on Alpena Street, in the 5th Ward, 6th Council District, City of Pittsburgh.

No. 810 Resolution vacating Advordton Street as part of the Broadhead Manor Demolition Plan 28th Ward, 2nd Council District, City of Pittsburgh.

Which was read and referred to the Committee on Public Works, Water & Environmental Services

MR. ONORATO PRESENTED:

No. 811 Resolution authorizing and directing the Director of the Office of Management and Budget and City Council's Budget Director, in conjunction with a committee whose composition will be specified below, to develop and implement a SERVICES IN LIEU OF TAXES PLAN as it relates to services currently provided to the City for a cost, and which could be performed by non-profit service providers located in the City of Pittsburgh in lieu of taxes to the City. (SPONSORED BY MR. ONORATO).

Which was read and referred to the Committee on Finance and Budget.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bill until or after the 8th calendar day following the meeting in which the bill was introduced, so the bill will be on the agenda this Wednesday.

MR. FERLO seconded the motion.

Which motion prevailed.

MR. RICCIARDI PRESENTED:

No. 812 Resolution authorizing and directing the Chief of the Bureau of Building Inspection and the City of Pittsburgh Chief Magistrate to forward a report to City Council detailing the entire citation process and court process for constituent complaints regarding problem properties. (SPONSORED BY MR. RICCIARDI).

No. 813 Resolution authorizing and directing the City of Pittsburgh Bureau of Building Inspector Chief, Budget Director and Chief Magistrate to submit in writing within 90 days of the passage of this legislation any budgetary recommendations rendering better services to City constituents. (SPONSORED BY MR. RICCIARDI)

No. 814 Resolution authorizing and directing the City Solicitor, Chief of the Bureau of Building Inspection and Chief Magistrate to forward an idea paper within 90 days of the passage of this legislation advising City Council on what City and/or Commonwealth legislative initiatives are needed in order to improve the process for

constituents regarding problem properties.
(SPONSORED BY MR. RICCIARDI).

Which were read and referred to the
Committee on Public Safety Services

MR. UDIN PRESENTED:

No. 815 Resolution transferring
\$3,411,946.00 from the Transfer Suspense
Account to various accounts where
shortfalls exist.

No. 816 Resolution transferring
\$1,421,459.32 from various 1997 accounts
to the Non-Departmental-Fringe Benefits
Account in order to resolve deficits in the
1997 Health Care Benefits accounts.

No. 817 Resolution transferring
the amount of \$2,285,413 from the Non-
Departmental - Personnel Salary Account
to the Non-Departmental Personnel Fringe
Benefits account in order to restore funding
to the Worker's Compensation - Disability
Account.

Which were read and referred to the
Committee on Finance and Budget.

The Chair:

Any unfinished business to come
in front of Council? Hearing none, move
to Committee Chair Reports.

Mr. Ferlo on Engineering and
construction.

CHAIR REPORTS

Mr. Ferlo:

Thank you, Mr. President,
members of Council, I will try to be brief.

I provided a summary sheet to my
colleagues with some of the projects and
what their status is currently.

In the Department of Engineering
and Construction we have a number of
completed projects all around the city.
Most notably a number of the ball fields
and parks. Volunteers Field in Carrick
was completed. McBride Ball Field in
Lincoln Place was completed, the Willie
Stargell Ball Field in Homewood is
completed. The Frick-Braddock
Playground in Regent Square has been
completed. The Phillips Park Recreation
Center Expansion in Carrick, I believe the
ribbon cutting is set for October first. The
Leslie Playground in my own Council
District in the 9th Ward of Lawrenceville
has been completed and is a very beautiful
playground as are many of the other
playgrounds that have been opened around
the city.

The Fifth Avenue
reconstruction-Phase 2 will be completed
by the end of October, October 31st. The
reconstruction of Chartiers/Hillsboro
Intersection has been completed. I have
spoken to Councilman Diven here on the
reconstruction of Pioneer Avenue in
Brookline has been completed. The
Smallman Street sidewalk a portion of the
strip district was completed. What
remains is a number of trees that will be
planted in that corridor also. The Three
Rivers Pedestrian Bridge, which I think
took about ten years, through two
governors, has been completed thanks to
Director Reginella. The Foreside and
Vine Playground in the Hill District has
been completed.

I don't know about the Mellon Park
Fence. I know Councilman Cohen is very

concerned about that. I will find out and give a report as a follow up regarding that project.

A number of projects that have been recently initiated and are currently under construction a number of these and I know a number of them are in Council District Three, Councilman Ricciardi's District are things that probably really legally and emergency wise should have been done about ten years ago. First as we know Councilman Ricciardi has been very active through, I think, two or three different Mayors trying to get the 30th Street reactivated. That process is underway as we speak.

The Windom Street Wall and the Schenley Park Tennis Courts are under construction. We have had a lot of discussion about the multiyear program of handicap ramps that are being installed around the city. That work continues both primarily by Engineering and Construction and to some extent, contractors working the Department of Public Works.

There is a lawsuit I won't speak about it but there is a proposal by the administration, which I support to try to dedicate some additional money. They have offered to up that amount to roughly eight hundred thousand for a three year period. Basically to catch up on the last five years since the enactment of the Federal Law where a number of asphalt streets have been done but the handicap ramps were not. So the idea is to commit this money and go back retrospectively and get this work completed.

Short of that, this Council has to make a different decision whether it be with the \$7 million windfall of the capital

account or some other reprioritization. The money is not there so I think this represents a good additional commitment that the city administration has offered and the Federal Lawsuit case. It would get us a leg up further making progress on the responsibility that we have while keeping current with the obligations we have. So we will be stay tuned on that one.

The reconstruction of Wood Street downtown continues. The Owl Way Steps in the Slopes, which are in very bad disrepair and have been lawsuit activity for a number of years are under construction.

We have a number of playgrounds all around the city that are currently under construction, bids are already let out, contractors have been employed. They include Chartiers Playground, the playground in Shaler, Spring Garden School, the Cross-Strauss Playground, Vincennes and Granville, Esplen and Wabash, Sterret School, Crescent School, Niagara Street Playground, and the YMCA playground. So all of those playgrounds either have already been initiated or currently under construction or about to break ground.

The elevator in our own public building, the Market House is being actually -- it is an additional elevator that will be installed because of the high usage of that public building.

The projects that are in the design stage and will be imminent in terms of future construction, but as we know there is a lengthy process of design and architectural engineering activity letting out of bids and the whole nine yards. But the number of projects that are imminent include the Coleman Street, which is in

Greenfield, Mr. President, your district. The Penelope Street in Mount Washington, work continues and we just approved some money this week on the computerized traffic control that is a multiyear phase in but that is for the computerized traffic control. All of the standards and the electrical work has been done. Now we are at the point where the software has to be implemented and that is being done as we speak.

The Virginia Woodruff intersection in Mount Washington is in the design stage and will be expected to be done. The freight elevator in the City-County building, the backside on Ross Street, on the county side will actually be fixed and made new. So that should relieve some of the individuals using the rear elevators for freight.

The Overbrook Senior Center, that's a modernization of an older building that is being worked on and it will be moving ahead very quickly and should be completed. This has been a multiyear effort as everybody on this Council knows. The building has been acquired, the property is acquired, the building is an old building that is being modernized and expanded so there is a several month period of design and architectural work. It is the E & C's goal to have that actual project completed by December of '99. So it is going to take a number of months for the architectural rendering and letting out of the contract.

A number of improvements have to be made at the swimming pool at McGee Field, specifically the filtration, some of the mechanicals there. That work is being bid out. A number of other projects that are in design are the Flowers Avenue in

Hazelwood, which is in great disrepair, McBride Playground in Lincoln Place, the Tropical Playground will be another key playground that will be done in Beechview.

We have been under the gun for a number of years on the fueling sites that we own around the city. The fueling facilities, the city garage in a number of locations, Hershel Field, up in Arlington I believe it is. A number of those fueling stations have either been leaking over the years, or currently just don't meet the federal standards. We know all around the city gas stations have ripped out their tanks to put in new tanks. We have to do the same thing. So that fueling facility upgrade and the remediation work of the site is being planned and should be implemented in the next year and a half.

So there are a lot of activities going on. Obviously this department needs more money since the laundry list of critical projects greatly exceeds the available funds of capital dollars.

So, that quickly in a nutshell is where we are at.

Mr. Hertzberg:

I just wanted to make a comment on one of these recently completed projects which was the reconstruction of the Chartiers Hillsboro intersection, which is in Sheridan. This was something that this intersection was in the Capital Budget for about the last ten years as something that the city knew we needed to upgrade. It took a long time, but the Engineering Department initially was going to put a traffic light there. But they reanalyzed the traffic there and they looked at the cost of

the light and decided not to do a traffic light but instead to make it a four way stop and to reconfigure the intersection, which is really a six way intersection.

It's just been a tremendous success. So compliments to Mr. Ferlo and to the Engineering and Construction Department for really taking a good look at an intersection and improving where it works very well and it is very safe.

Mr. Ferlo:

This intersection I remember as far back as Councilman Wagner has been talked about. I want to return the thank you to Councilman Hertzberg who has been a strong advocate for the city to get its act together and correct this intersection.

The Chair:

On the intersection question I know traffic is a major issue for all of us now, especially with the parkways not being able to handle the traffic. I wonder if there is any state money that would be available to upgrade a lot of our intersections, whether it be the left turn light, that type of moving traffic, moving clearer that we can't afford to do on every corner?

Mr. Ferlo:

I don't know. I will ask. Obviously there are a number of state routes like Butler Street as an example that go through the city. I will ask Director Reginella that question. Probably if we do, we should do it before the November election.

Mr. Udin:

First of all I want to thank Councilman Ferlo for such a comprehensive report. When the work of Engineering and Construction is presented altogether in this way, with this helpful status report, we are able to see a more comprehensive picture of what is going on. But it still defies my mind, I guess, to understand how priorities are decided? How emergencies are determined? How resources are allocated? What Council's role is in setting those priorities, those Public Works and construction priorities are?

I would encourage us during this budget period coming up to spend sometime setting goals, Council's goals for next year. Not just reacting to the administration's budget, but independently setting our own goals for what we want to see happen in this city next year and then look at the administration's budget within the context of our own goals. I think we kind of do it in the opposite direction most of the time.

So perhaps if Council members are willing to come and have a few goal setting sessions just for the purpose of setting Council's goals either in the area of Public Works or Parks and Recreation or Public Safety or Finance, whatever area of city government we want to set our own goals in. I think we need to have some discussion. Reports like this help us to move in that direction.

Mr. Ferlo:

I think that's an excellent proposition. I think on the practical level though in the past we have quickly moved

through the capital account. Sometimes it is scheduled for like an hour and a half sessions or an hour session. If we get involved at the district level and analyzing each one of the accounts, we could spend an hour just talking about district playgrounds and what our priorities are versus what the administration is intending to do. That is not counting bridges and roads and intersections and walls and a lot of other things.

So I think it's a great idea. I think we should just try to find a way to maximize the times because once we go by district and talk about what we are hoping to see done versus what at least is in the hopper what is being planned, it is going to be a lengthy conversation.

So I would be glad to work with Councilman Udin as the Finance Chair to try to come up with a schedule and better organize the agenda. So we can go by district and maybe break it down in those kind of general categories of walls and intersections and bridges and roadways and playgrounds and the like. I will be happy to work with him on that.

Mr. Ricciardi:

Two brief points. First, I wholeheartedly agree with Mr. Udin regarding setting of goals. Matter of fact just last week I spoke at the Allentown Civic Council and I let them know about the tight budgetary constraints that are coming up. I asked the community Council there to prioritize the projects that they would like to see happen in the Allentown. To give me three big projects that they would like to see come through the capital budget process.

I also asked them to prioritize or at least give me a feel of what current services that they are not willing to loose or cut back on. So I think what Mr. Udin is saying is correct. We should not just put up a generic resolution and the administration should sit there and pick what needs to be done, set aside emergencies obviously of course and high priorities because of health, safety and welfare of city residents. But through us, the community groups and taxpayers can let us know what is important for them. So I wholeheartedly agree with Mr. Udin.

Let me also say that I am continually amazed and thankful for the amount of work that comes through the Department of Engineering and Construction under the leadership of Fred Reginella and the entire staff. Because if you really look at the number of personnel in that department and I think Mr. Ferlo would agree that we have decreased a number of bodies in that department. But the work produced in that department continues to be high. I am really thankful for that entire department.

Mr. Cohen:

Thank you, Mr. President. I certainly agree with Councilman Ricciardi on the good work that the department does and I want to commend Councilman Ferlo for his report, which includes so many different construction projects.

I have to mention though that one that is not on here, which we have discussed at length at this Council is the Mellon Park Wall and Fence. Especially since my office has worked very hard on this, that Fred Reginella told me that an RFP was to go out literally within the next

couple of weeks on this project. It is one of the most heavily traffic streets in the city of Pittsburgh that is Fifth Avenue and certainly heavily used park, that is Mellon Park. That wall and fence is in very poor condition. We have the money in the budget for it so I am surprised and dismayed that it's not on this list. I would like to get an explanation from Engineering and Construction as to why it is not.

The Chair:

Mr. Ferlo, you want to get an answer back?

Mr. Ferlo:

Absolutely.

The Chair:

The only comment I have is I believe we have done an excellent job with attacking the issue of all of our playgrounds, I was curious to know how our pools are? I see one or two pools on here but as an over all agenda if you can get a report so that it doesn't come at the last minute that we need millions of dollars to fix the pools. They maybe okay. I know a few are working on them so that maybe something I would request to see where we are.

Mr. Ferlo:

There is yearly maintenance activity the chlorinated systems and the like that is done on a yearly basis. There are a couple pools like McGee that need major mechanical work and this Council budgeted money recently for major renovations to two pools. But I think

given the budget session that is upcoming we can ask when we are on E & C talking about pools we can maybe have a separate upgrade report on what the conditions of each one of the pools are. So, I will be glad to get that information.

Mr. Onorato:

If I could just add too. While I applaud Councilman Ferlo for his report it's very detailed. The one issue though that I think we have to constantly look at and this goes to Mr. Udin's point. We started it last budget season, is not just the projects that are listed here but looking at the total dollar volume of where it is being spent. We all know that there is about 39 to 40 million dollars of bond money each year, at least the last two years, and this year coming and also about \$22 million in CDBG. To me that's the universe those two pots put together.

While we are doing all these projects if you find out that these three pages total \$3 million and the rest of the money is in big time development, then I have a problem with that. I know last year this Council unanimously shifted money into the basic neighborhood needs, I know I haven't changed my priority and I am going to be looking at that again. I ride through my district and some of your districts, Colleagues, and I know we all have roads that have jersey barriers up, sidewalks you can no longer use because of danger and they sit there.

I mean I have a road in Riverview Park that collapsed over a year ago, the main road through Riverview Park, one of our regional. I have got jersey barriers sitting there and I have no idea what the long-term plan is to fix that. Yet we have

almost \$60 million of capital dollars going around and I am not sure where it's going.

We fought last year over just \$2 million, \$2 million out of almost \$60 million for neighborhood needs and that was a battle. I don't want to have that battle this year. I think this is the debate we should have early on and it is a philosophical debate. I have always said maybe we should take one year and we say no to big time capital development and we put \$40 million back into neighborhood infrastructure. I don't think that would hurt one year. It wouldn't hurt the long-term plan of the growth of the city. Maybe that's the extreme but maybe it is \$20 million. But there are a lot of projects throughout the city that need to be done.

I come to work every day on the Fort Pitt Boulevard. We are down to two lanes now; it used to be four lanes. We are down to two lanes because the bridges are falling down. I have no idea what the long-term plan is there. You can't use the sidewalks they're hanging crooked over the underpass. I can go on and on.

If you go to the North Side, anyone who watches the Steeler game, if you go to where Gus and YaYa's Ice Ball Stand is, that bridge is down to one lane. I have jersey barriers shutting down that four-lane bridge. I have no idea if we are putting any money there or not. That's not as glamorous as Fifth Avenue but it is part of our neighborhood. That particular bridge happens to be in Councilman Udin's District, but it borders both of our districts. It is just an example of infrastructure within the neighborhoods that we have to seriously look at. It isn't just a hundred thousand here and a hundred there. We are probably talking \$20 million or more

in the neighborhood area. I hope that we have that debate before it is set in stone and we have a fight over moving a million here or there.

Mr. Ferlo:

I obviously welcome an opportunity to have that discussion but it's a policy issue. I agree with Councilman Onorato that we have to have on this Council we can be assured that Director Reginella and the Department of Engineering and Construction will gladly want to spend \$60 million instead of \$30 million. If we give them \$90 million, they will spend \$90 million. It's something really that he's not in the driver's seat to direct, it's between this Council and ultimately the Mayor. Maybe we need to have that discussion.

I look forward to trying to prioritize. I think everyone could come up with badly needed construction projects be it sidewalks, bridges, that mirror with what Councilman Onorato is talking about on the North Side. So if we want to have it, let's do it instead of just talking about it.

The Chair:

Let's get together on it.

With that said, Mr. Onorato, you want to give your report from Planning and Zoning?

Mr. Onorato:

This is actually a good time to have a report today. This morning at 8:30 we had our first Zoning Code Review Committee Meeting. It was well attended by almost 20 people. I would like to just

mention a few people that were there. I want to thank my colleagues. Alan Hertzberg was there but a lot of my colleagues had representatives there. It was a good cross section of the community, the administration, community groups and realtors and the business interest and practitioners. I was there, Jessie Fife from the Zoning Board of Adjustment, Tom Bryne from Astorino Architects, Sharon Wagner from the Realtor Association, Jerry Speer from the Realty Association, Karen Brean from Karen Brean and Associates, Dina Vargo, the Mayor's Office, Joel Aaronson from Reed Smith, David Toal from Frank, Bails and Kirk, Alan Hertzberg, Jeffrey and Glada from City Planning, Regis Murrin the Chairman of the Zoning Board, Amanda McQuillen, South Side LDC, Zita Glasgow, Shadyside Action Committee, these are handwritten names, I can hardly read the writing, but it looks like Mr. Reynolds from City Planning, Eloise Hirsch from City Planning, George Specter Law Department, Craig Straw, Law Department, C.J. Liss from Councilman Cohen's Office.

I would also give you the next date anyone who wants to participate here on Council, please feel free to come to the meeting. The next meeting is scheduled for Monday, October 26 at 8:30. These are being held in City Council's large conference room to make it convenient for everyone here, but the importance of the meeting we have really two goals. One is the short-term goal to have any amendments and recommendations to this body to address and vote on before the code is implemented, which is the end of February. That's the effective date of the new code we passed.

We are planning on reviewing every section of the code and comparing it to the old code. What is the same? What is different? What is added? What is deleted? We are doing a section each meeting. We will have a round of possible amendments for this Council by the end of February to review and then we have a long-term goal and that is the committee is also going to review after it's implemented how the code actually works. What is good? What is bad? What was anticipated? Any surprises? And then after a twelve-month review, possibly have one final round to make adjustments for any problems that weren't foreseen.

But I am very pleased that our first meeting we had I think 95 percent of the invitee's show up. They're very energetic about doing this. They have an interest in this. I don't know what that says about us, that we have an interest in the zoning code. But I think this is something that can be very productive. It is an opportunity for anyone here. I understand everyone's schedule and you might even have someone in your district that is really interested in this, it is not too late to add their names, send them to my office. Dorry is keeping, Dorry Lang in my office is keeping the file on the committee members and we will keep you updated at this point.

But that is the big issue in Planning, Zoning Land Use Committee and that will be dominating a lot of our time at this point.

Another issue that I am working on that is sort of in our committee because it is going to effect the zoning and the planning throughout the city and that is the Soccer Field Committee is also up and

running and they're meeting for the second meeting tonight. That is going to have impact in my committee and probably several committees here. Councilman Ferlo was at the first meeting and once again we had a good group of people get together. Tonight's meeting is at 7:30 at the Boys and Girls Club in Lawrenceville. So, those two issues are moving ahead. They have a set time frame. Council will have the ultimate review of all the proposals that come forward. I look forward to bringing both of these issues to closure and having a positive effect on the city.

Mr. Ricciardi:

Thank you, Mr. President. I am very pleased to see the meeting of the committee has convened because as a matter of fact I am going to be amending or making proposals to the Zoning Code.

I just want to say that in the past I think Councilman Ferlo has done a very good job in sponsoring legislation for B and B's here in the City of Pittsburgh, Bed and Breakfasts. I think they have definitely been an asset to the City of Pittsburgh. I can speak to the one in the South Side; there has been no detrimental effect.

However, I think some of the restrictions were very rigid. It is because we are in new waters. Once again, I think Councilman Ferlo has done a wonderful job in the initial legislation; however, I am going to be making some proposals for change in the legislation. So I will forward that to the committee to receive some of their feedback and hopefully in a few weeks be proposing amendments to the code regarding Bed and Breakfasts

here in the City of Pittsburgh.

The Chair:

Thank you for that report. Moving on to Reports of Committee.

REPORTS OF COMMITTEES

MR. UDIN PRESENTED:

Bill No. 818:

Report of the Committee on Finance and Budget for September 23, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 670:

Resolution authorizing the City of Pittsburgh to issue a quit claim deed for property in the 19th Ward of the City of Pittsburgh designated as 1-P-64, to the Port Authority of Allegheny County for the sum of \$600.00.

Which was read.

Also,

Bill No. 671:

Resolution authorizing the City to issue a quit claim deed for property in the 19th Ward, 1-P-62 & 63, to the Port Authority of Allegheny County, for the sum of \$1,400.00.

Which was read.

Also,

Bill No. 762:

Resolution authorizing and directing the Director, Department of Finance and the Treasurer, City of Pittsburgh, to immediately determine the appropriate obligation and requirement of all professional sports players to pay annual city taxes, including, but not limited to earned income and professional business privilege tax. **(SPONSORED BY MR. FERLO)**

Which was read.

Also,

Bill No. 769:

Resolution transferring the amount of \$3,739,570 from various accounts citywide to the Transfer Suspense Account, Fund 1000, Organization 999800, Sub Class 150, Budget Year 1998, Account 525500 in order to make future transfers to various accounts where shortfalls exist.

Which was read.

Also,

Bill No. 770:

Resolution authorizing the Mayor and the City Solicitor to enter into a contract or contracts with Public Management Resources, as the Auditor, to comply with The Consent Decree entered into between the City of Pittsburgh and the United States Department of Justice, cost not to exceed \$77,845.00.

Which was read.

Also,

Bill No. 785:

Resolution providing for the issuance of a warrant in favor of Xact Medicare Services in the amount of \$118,145.12 to reimburse Medicare for emergency medical services charges. **(PRESENTED BY MR. DIVEN)**.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills.

Mr. Ferlo:

Actually briefly on three different bills. On Bill 769 this really didn't have much discussion at the table. I still have questions about this bill. This is a bill that creates a so-called transfer suspend account. Basically it is the administration through the budget office kind of vacuuming right now all of the available resources it thinks it has and various city departments and various code accounts to create this kind of suspended animated fund in the amount of three million seven hundred plus dollars.

In a way I don't agree with this bill because it kind of indirectly opens up the budget process but kind of negates Council's ability to have input on the budget process. So it is a backdoor way for the Mayor and the administration to reopen the budget without officially reopening the budget. So God forbid Council might get involved in the process

even though we are supposed to be involved.

This is a way to take the money back, deny certain departments certain use of certain code accounts, and create this fund. I presume, to accrue money so it could be the fund balance at the end of the year. I am confused as to why this is being done. We throughout the year and in the 11 years that I have been here it happens more or after September of each fiscal year. We routinely entertain separate resolutions by the Budget Office or the Finance Department transferring various code accounts from one account to another to either recognize a short fall or to replenish an account. Why we have to do this all at once when it is not clear where the money is going and also indirectly it is reopening the budget but not officially thereby denying Council any input into the process. I don't agree with it.

Secondly, if you look at the various code accounts I don't understand why for instance in the Finance Department in the salary account of the Finance Bureau there is a \$134 thousand that will be extracted out. Now is that the money that we put in for the additional personnel for the parking tax? I don't know. I mean is it the additional money that we put to hire more people to deal with revenue generating and auditing and collection of revenue? I don't know. Why are we agreeing to take that money out?

The premium pay account in the police, in fact there are several accounts in the Police Bureau, \$167 thousand plus in salaries, half a million dollars in premium pay, a quarter of a million dollars in transfers from the Police Bureau. I can't vote for this because I am not exactly sure

why this money is being extracted out. Did we over budget the premium account? Are we short falling the ability of the commanders and the police to do what they need to do by denying them use of monies in these various accounts? In the Fire Bureau we have close to one million dollars, \$780 thousand would be extracted out of the salary account of the Fire Bureau. I don't know where and from whence that money came.

Public Works, the salary account and the operations, we are all getting complaints from Public Works about the reorganization. They need to have a full complemented staff, there are so many things that need to be done in Public Works, God forbid they should ever get a management information system together which I have been hearing about for ten years, but it doesn't exist.

There are short falls in the various divisions of laborers and we are talking about a quarter of a million dollars, \$228 thousand. I can't vote for this because I don't understand what it is and why we are even doing it. It just seems like a kind of a quick -- I am very suspect about what this move is all about and I don't understand this resolution. I don't understand why it is being done. It is an anomaly for the last eleven years I have been here and I don't trust the administration.

But in any event, so I will be voting no. I also think it fundamentally circumvents Council. We went through a budget process. They are the ones who told us in order to run Public Works I need this for utilities and this for salary, and this for premiums. In order to do the Fire Bureau and adding and we went through a whole process. Now I respect the fact that

at any given time through the year especially in the latter part we have to allow for transfers, absolutely. But this really is reopening the budget without Council having any say so; it is just a stupid thing. Don't vote for it.

I want to thank Council for their support on the Players Tax Assessment. Again, we are not voting for the Players Tax, this is requiring the administration to ascertain what if any taxes are owed. I clearly spoke at length about the need to zero in on the earned income tax obligation that various professional sport players have. Other colleagues, Councilman Onorato raised the point about whether or not the actual franchise itself is obligated to pay business privilege tax.

We agreed that this resolution would look at different issues, but as a follow up to this bill next week I will introduce actually a bill that will actually require the collection of the Player Tax. I am doing it basically in order to meet the time line of the Home Rule Charter, our obligation to have a Public Hearing on the tax increase or collection. I am going to introduce it and ask that it be held for the annual tax hearing just so we have something with due notification and due process. We may do a substitute amendment or we may not do it at all, but I at least will want to put it into the hopper. So I am going to introduce that next week and hold it for Councilman Udin's committee on the annual tax hearing.

Thirdly, I will defer to Councilman Diven on this; I am still not prepared on this EMS billing. If I have to vote today I am going to vote no on the bill. It is Bill 760 on EMS billing and I would ask that

we just vote it down today.

Mr. Udin:

I want to speak to --

Mr. Ferlo:

I am sorry EMS is next on Public Safety.

The Chair:

That's the \$100,000 that we owe them. No there are two bills.

Mr. Ferlo:

Okay, I have my number wrong.

Mr. Hertzberg:

Bill 785. There is only one under Public Safety.

Mr. Ferlo:

Excuse me, I stand corrected.

The Chair:

The one under Finance is covering that bill that we owe Medicare.

Mr. Udin:

Thank you. I want to speak to Bill 769 and urge my colleagues to vote yes, in favor of this bill. The reason why the bill is before us comes as a result of a couple of events. One has to do with the fact that we removed from the budget the section on other authorizations which ordinarily would have authorized the Finance Director to routinely make transfers into

departmental transfers towards the end of the year for anticipated short falls. That's really what this is.

You will recall that at the beginning of this year, there were differences between Council and the administration on what the short fall would be for 1998. We agreed at half way through the year that \$2 million was a working number that we could all live with.

Now that we are in September, approaching the last quarter of the year, the Director has asked each of the departments to project what savings could be anticipated by the end of the year. So that those savings could be transferred to other line items where there would be short falls so that the two million dollars that we agreed to that would be the short fall for this year could be identified and transferred to the appropriate departments.

Now initially the administration requested that they be able to present legislation that would in one step transfer the funds from one department to another department. I requested that rather than transfer them in one step that it be a two step process. That we put the funds in a suspense account and before they expend the funds to other departments they have to come back to Council with the specific resolution as to where the funds will be transferred to.

So Council is not being taken out of the process. Council is being inserted into the process because before any funds can be spent from the suspense account a resolution of Council is necessary.

Mr. Ferlo:

The suspension is killing me.

The Chair:

Can I ask, possibly this could work to our benefit. Before we just saw the transfers. If there is a million dollar savings in one department and in the past you just shifted somewhere else. Why does it always have to shift? What if there is a savings there? I know it is hard for Government to say that my department saved X amount of dollars instead of just transferring it. It might show us who actually is doing the savings and maybe who is going over budget. I see that positive if that is the direction we can go.

Mr. Ferlo:

I want to be clear. I sympathize with what Councilman Udin is saying and he is correct in the manner in which he has described this transaction. My problem is that it negates Council's ability to interview department directors. I want to know where presumably is the savings from Public Works in the operations account in that amount of money? Does it effect workers? Is it because they haven't hired certain people to get certain things done that we agreed to? That's the area where I think it negates to some extent accountability back to Council on how we prioritize the budget and the various code accounts in the first place. I don't dispute and Councilman Udin has correctly characterized what this resolution is about. I still think it negates Council's role an oversight.

Mr. Ricciardi:

Thank you, Mr. President. I

believe I understand the concept of the suspense account as put forward by our Finance Director Mr. Udin. It appears that we are going to have a say so in interaction into the suspense account once the dollars come out. But I go back and I support what Councilman Ferlo is saying that the question now becomes is this a savings in a department such as, for example, the department of Public Works or is this actually a cut back in services?

So I would like to have more input at the beginning not just at the end. For example, it goes back to setting priorities and setting goals that we talked about in the past on capital budget. That is that if \$200,000 for example needs to be received for the suspense account, should we look at the department of Public Works, should we look at the fire, should we look at the police or EMS? Here it's already been put forward by the Directors. I might disagree with the directors. I might say no, I think you are absolutely wrong. I would like to see those services continued in the department of Public Works, but instead I would like to look at the CIS. So the issue now becomes I want to be part of the beginning not just at the end, that's why I will be voting no on this.

Ms. McDonald:

I am going to attempt not to second guess, this whole piece of legislation is quite comprehensive. Right now I am not at a point of micro managing this. The city is in a fiscal deficit right now. We are trying to make sure we don't have a short fall at the end of the year. I agree with Councilman Udin as far as the process for doing this to make sure that Council -- it's a guaranteed way for Council to be involved in whatever transfers transpire at

the end of the year in order to balance our year end budget. I just have a couple of questions though in reviewing this from last Wednesday.

One is were the departments actually involved? Is this just a number crunching game we did here with all the individual departments or were actual budget directors intimately involved with recommending these amounts that they feel will be savings, will be unexpended funds by the end of the year? I would like to make sure that their input and that they are in agreement with these numbers as has been stated and touched upon by other Council members, Ricciardi and Ferlo.

I personally also do not want to have a situation where a department critically would need these funds, they were anticipating a project or initiative that within their department and it's being taken away because it is considered a savings. I want to make sure that the department heads are in agreement with this and that there was collaboration here.

Number two, is when we look at the way this is drafted in this legislation there are two separate sections. One is from and one is transferred from, and I would just like to know why there is that separation? Is there some type of procedure I am not aware of? That's directed to Councilman Udin.

Mr. Udin:

I think that it is important that each Council member is comfortable with exactly what is going on. I would not be opposed to a reconsideration of this legislation so as to allow both the Finance Director and any department heads that

any Council members would like to question about the effect of the transfer to come to the table.

The Chair:

Motion to recommit.

MR. HERTZBERG moved to recommit.

MS. MCDONALD seconded the motion.

Mr. Onorato:

Discussion on the recommitment. So we don't shut down the city tomorrow with every department head sitting here, one option may be have the City Clerk call the department heads if they can at least give us a memo by tomorrow explaining how they picked this number? What are they recommending for us to decrease? That might go a long way of explaining and then if there is something that somebody wants, we can call a director up at that point.

The Chair:

I think it is very important that we make this clear. We are asking them to save money. If they are doing a good job then they should be --

Mr. Udin:

Let me just point one thing out, Colleagues, these are not like slush funds sitting around. We have a \$2 million deficit that we have to make up. The way the administration has decided to do that is to require every department to take a certain percentage and determine where you will move it from if we have to move it. So we have to find the money that's

going to balance the budget for this year. That's what we are doing.

Mr. Onorato:

I was prepared to vote yes today. I was trying maybe we can get a written explanation as opposed to all of the --

The Chair:

For the Council members who have good questions where are the savings coming from, that is very appropriate.

Mr. Ricciardi:

That's an important issue for me, colleagues. I am not sure. I sometimes think that's the easy way out just to say every department cut five percent. Because there are certain departments we might not want to cut five percent because we need that particular service. I think instead we prioritize the service or we prioritize where we can see where savings can become. With all due respect, just telling everyone to cut five percent, I don't think that's the way to do it. Let's do it the challenging way.

Mr. Udin:

I think I misinformed or perhaps misstated. When I said acrossed the board, I didn't necessarily mean the same amount acrossed the board. What we mean was that everyone was asked to make a percentage of a cut and then that department is the one to determine where that line item would come from, not the same amount.

The Chair:

We will recommit and have the

discussion tomorrow. Hopefully this is good management. But as Mr. Ferlo said, we want to see where the money is coming from and where it is going. Very appropriate question.

On the recommittal, roll call vote.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Diven	Mr. Ferlo
Mr. Hertzberg	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. O'Connor
	(Pres't)

AYES Eight NOES None

Bill is recommitted.

Mr. Onorato:

On Bill 770 I will vote no like I did last week. This is hiring and paying \$77,845 for an out of town auditor to audit the consent decree. I just think it's a classic example of the legislation I introduced today where we should be using resources within the city. This can be \$77,000 of cash we can keep in our pocket. This is no reflection on what they're auditing, this is just on the concept of paying auditors where I think our universities could have easily helped us do this and be independent. So I will be voting no in being consistent, which I do with all these consultants.

Mr. Ricciardi:

Thank you, Mr. President. Same on 770, I will be consistent with my vote

and vote no. I recall when the gentleman was here from the state of Texas and I voted no on his contract because I just cannot believe that we have to go to the state of Texas to get someone to do this work. I just cannot believe that there is not someone here in the City of Pittsburgh, Allegheny County or the Commonwealth of Pennsylvania or even our neighboring states that we have to go to the state of Texas to get someone to do this work. It's a shame that our tax dollars has to go to an individual in a company in the state of Texas to spend the money down there. I just cannot believe that. I think it's wrong. I think we should vote no. I think we should just start from the beginning and just have someone else do it. It is just mind boggling that we can't find someone in our own region.

We talk about initiatives, then we talk about Plan A and Plan B and there is just not enough jobs up here. Well why? We keep picking these professional service contracts, lawyers and accountants, and architects and here this professional accountant I guess from outside the state. It's just mind boggling. I voted no for it the first time in front of the individual back at our Committee Session, I will vote no again when he's not here.

Mr. Udin:

I would just remind colleagues that there was a process to arrive at this professional service contract. The local universities and professional consultant groups who could have local professional consultant groups that could have provided this service to the city, I think we all would have preferred a local company to be available but the local universities and organizations did not step forward.

There was a competitive process. They didn't just reach down into Texas because we love the state of Texas. It was a competitive process and this was the contractor that provided the city with the best proposal. So I just want to provide some historical context. It wasn't just pulled out of the sky.

Mr. Hertzberg:

Different bill. 670 and 671 if you recall from last Wednesday's meeting this is a sale of city property to the Port Authority just in front of the Walbash Tunnel. At the time of our discussion last week I mentioned that there was still uncertainty as to where, whether we would have a Walbash Bridge to go with the tunnel. This property would be needed whether or not we did a bridge or if it went the wrong way, in my opinion, and we just brought the bridge right down to Carson Street.

Since then, I have read news reports of a tentative agreement. Apparently the Mayor and two of the state Senators and one of our County Commissioners and Port Authority seem to be getting closer to agreeing on that bridge which is great news for me.

The Mayor is insisting on design beginning on another bridge on the Ohio, which would eliminate any problems we would have with the bus way running on West Carson Street. So I commend everyone involved in that process. I hope Council will stay vigilant that we do that. Otherwise if we don't have another bridge on the Ohio we are going to continue to have the problem on West Carson Street. The proposal still calls for buses to run on

West Carson Street even if we have a new Walbash Bridge, which is going to be a negative influence on the western part of the City of Pittsburgh. But we are making progress, Mr. President.

The Chair:

Have you been in contact with them on these meetings? I know they are agreeing to what you have requested.

Mr. Hertzberg:

No, I have not.

The Chair:

I would like you to be involved. If I have to call or write a letter, I will do that. But it looks like West End Circle is being redesigned so a lot of action is going on there for traffic.

Any other discussion on any other bills? Bills are now ready for final action all in favor of the passage of the bills, vote aye when names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes are taken agreeably to law, and were:

AYES:

Mr. Diven	Mr. Ferlo
Mr. Hertzberg	Ms. McDonald
Mr. Udin	Mr. O'Connor
	(Pres't)

(Mr. Onorato and Mr. Ricciardi voted no on bill 770.)

Bills have received the legally

required number of votes and are passed finally.

The Chair:

Mr. Cohen had to leave for an Auditorium Authority Meeting. He will be gone the rest of the afternoon.

MR. HERTZBERG PRESENTED:

Bill No. 819:

Report of the committee on Public Works, Water, and Environmental Services, for September 23, 1998, transmitting one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 787:

Resolution granting unto Federated Department Stores, Inc., 7 West Seventh Street, Cincinnati, Ohio 45202, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, 16 canopies and 3 blade signs at various points of the new Lazarus, Fifth Avenue, in the 2nd ward, 6th Council District, City of Pittsburgh.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Bills are now ready for final action, all in favor of the passage of the bills vote

aye when name are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES Seven NOES None

Bill has received the legally required number of votes and is passed finally.

MR. RICCIARDI PRESENTED:

Bill No. 820:

Report of the Committee on Housing, Economic Development, and Promotion, for September 23, 1998, transmitting two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 771:

Resolution authorizing the Council of the City of Pittsburgh to issue a Request For Proposals to allow for an independent, comprehensive analysis of the existing and proposed Tax Increment Financing agreements. The purpose of the analysis of Tax Increment Financing (TIF) is to provide Council and other participating

governmental entities with the information necessary to make informed policy decisions with regard to TIFs. And, furthermore, to request that the Board of Public Education and the County of Allegheny participate in sharing the costs associated with the analysis.
(SPONSORED BY COUNCIL MEMBERS O'CONNOR, FERLO, HERTZBERG, MCDONALD AND UDIN)

Which was read.

Also,

Bill No. 724:

Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to pursue a Tax Incremental Financing Proposal or Proposals for portions of the South Side East Redevelopment Area No. 55 (Council District No. 3).
(PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG).

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Onorato:

Mr. President, your bill if you want to talk further. I just have a question. I know you said last week and the holiday that we took the amount out of the cost of this. I was just wondering under Section 3 Cost Sharing if it was possible to waive the rules of Council. This still implies that we will share costs equally. I thought the

intent was to actually get a foundation or a not for profit, someone to actually cover the cost for us. This still implies that we're going to pay it and share it with the school board and with the commissioners.

The Chair:

I think we took the number out so that is probably a technicality. I would like to have that removed.

Mr. Ricciardi:

Just discussion on that. Mr. O'Connor, I commend you for putting forward this bill. I think it is very timely in the days to come. Also, your willingness to allow cosponsors on it. I apologize I was not there for deliberations I had a constituent meeting. However, I feel as though that this is so important that I don't want to see the study not get done because we were not willing to put up some dollars and find the money elsewhere.

I think you should go out and try to get it done for pro bono. Maybe we should go out and work with the universities, but if it comes down that the money is not there or I am sorry. If it comes down that people are not willing to do it pro bono and for free, I think you should come back to this Council and ask for a small amount because this bill is just very important now. Especially so many questions being asked about TIF's. So I am saying yes we can take it out, but I want you to know that if need be I am willing to put aside dollars, funds to get this job done.

What I am saying, it is up to you, you can ask for us to leave it in now and

then decide to have your priority to go out to get it done free or take it out. But I just want to let you know my vote is there if you want to spend money on this.

The Chair:

I believe one of the reasons I took the amount out, Mr. Birru felt that the foundations would be able to pay for even a much larger study. That we would probably not want to commit to right now. So with that I thought and I believe that the will of Council would be to take a dollar figure out and let Mr. Birru and us come up with a very good RFP. He felt very strongly that the foundations would support that. Exactly the reason you said, it is such an important issue right now.

Mr. Ricciardi:

I am going to be very careful because I want to make sure it's known that the people that are going to support such a foundation they should not have a process in picking the vendor. I don't want it to look like there is a special interest or hidden agenda that I am not aware of. I think you did a fine job on the bill, Mr. O'Connor. I want to make sure it gets carried out.

The Chair:

The way the bill is written, Council would have the final say on the adoption of the RFP. We would certainly be willing to take information from everyone. There are a lot of people involved in this what goes into it. But it is the will of Council that we make the final decision. I think you have correctly said, Mr. Ricciardi, we wouldn't want somebody who is paying the bill to pick the person to guide it either

way. I think that's the independence of Council and I think that's a very important issue.

Mr. Onorato:

On that note, even if we remove the cost section now, if it comes a month from now and all of a sudden seventy percent of the cost are covered by a foundation and you need thirty percent. You can always introduce a bill at that point for us to allocate money. So, it doesn't prohibit us from ever doing it. It is just that we are not giving the green light right now. We are saying try to find money.

If you have no objection as the sponsor of the bill, if we can waive the rules of Council if we could delete that, it would make it easier for me to vote for this now. I am just afraid we are giving a wide opened we will share the cost.

The Chair:

Motion to delete that.

Mr. Ricciardi:

What?

The Chair:

About the money --

Mr. Onorato:

About the cost sharing paragraph.

The Chair:

The cost sharing paragraph. There is no cost to the bill right now and if and

when there is, we would bring it back and say this is what it would cost, basically a technicality I think. I think the amount, we put an amount of \$15 thousand. So far the school board and the county would be willing to share any cost if it is needed.

The point is we are going to especially since Mr. Birru brought up the point with the foundations and the vast importance of this issue to go out to a greater bill, a greater amount if it need be. I talked to people in Day County I think they spent about \$75,000 on a similar RFP. So this would be a minor technicality.

Ms. McDonald:

I personally don't have a problem. I don't want to hold the legislation up. If colleagues are willing to take out the cost sharing provision, I felt the cost sharing provision was put in there simply because if there was any cost that there would be clear delineation in the legislation as to this would not be the sole burden upon the City of Pittsburgh, that it would be shared equally amongst all three government, school board, county and the City of Pittsburgh.

Again, I have no problem if you take it out, but be aware that if you do take it out then where is the mandate or where is authorization to insist on sharing of costs if there are any costs? Again, I don't see a clear signal from Council whether we want this to be a total freebee or not. I think we want it done, but I think now correct me if I am wrong, I do feel that Council is willing to pay some of the costs if it really will give us a clearer picture and in terms of guiding us through the TIF voting process.

So I need to know, do you want this to be totally free or not? If you are willing to pay some money then I think you should have something in here to protect yourselves from bearing the overall costs.

Mr. Udin:

I think the Councilwoman's point is well made. The way I understand it is there are two ways that this can happen. One, the cost can be totally picked up by private sources or it will have to be paid for by the public government bodies. If it's picked up by private sources, then we don't have a problem. But if it's picked up by government sources then we expect the cost to be equitably shared among the three taxing bodies. In any event the sponsor of the legislation will have to come back to Council with the cost proposal depending on what they're able to determine. Is that right?

The Chair:

Right. So why don't we leave it in, Mr. Onorato, because that way we will send this clear signal? I know the school board had a preliminary discussion on it so possibly with that in there they may better support it.

Mr. Onorato:

I don't mind it staying in. I just want -- the way I read the bill I am just concerned that the way it's worded that we are approving to pay for this and then we will have to pay the cost. It isn't like as though it comes to us first the way it is worded. It is that any cost we are going to share as opposed to saying any proposal

must be approved first before a dollar spent. I don't know how we want to word that, but I just want to be careful how this thing gets passed. I don't know if I would vote for it using public dollars for this even though I agree with the sharing of it if it gets to that point.

Ms. McDonald:

A friendly amendment, can we just put in that they share equally in the cost and just insert in there if any?

Mr. Onorato:

But the timing of the cost. I just want to make sure that nothing gets spent until -- you know how many times we have gotten a bill here that the administration says we already paid it, now you have to vote for it. I don't want to approve the expenditure before we approve the money for it.

Ms. McDonald:

You can even say prior to the expenditure.

Mr. Onorato:

That's fine if you just want to add one sentence. I will be more than happy to -- Councilwoman has a good point if you just want to add a sentence in section three that reads no cost shall be incurred by any consultant, we are calling it, until the money has been approved by City Council.

MR. UDIN seconded the motion.

Which motion prevailed.

The Chair:

Any other discussion on the bills? Bills are now ready for final action. All those in favor of the passage of the bills vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Diven	Mr. Ferlo
Mr. Hertzberg	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. O'Connor

(Pres't)

AYES **Eight** **NOES** **None**

Bills have received the legally required number of votes and are passed finally.

MS. MCDONALD PRESENTED:

Bill No. 821:

Report of the Committee on Parks, Recreation and Youth Policy for September 23, 1998, transmitting one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 768:

Resolution authorizing the Department of Parks and Recreation to enter into a contract or contracts, agreement or agreements, or the use of

existing contracts or agreements for the maintenance and renovation of City pools in an amount not to exceed One Hundred Thousand (\$100,000.00) Dollars, and providing for the payment of the cost thereof.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Bills are now ready for final action. All in favor of the passage of the bills vote aye when names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Diven	Mr. Ferlo
Mr. Hertzberg	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. O'Connor
	(Pres't)

AYES Eight NOES None

Bills have received the legally required number of votes and are passed finally.

MR. DIVEN PRESENTED:

Bill No. 822:

Report of the Committee on Public Safety Services for September 23, 1998,

transmitting one resolution to Council.

Which was read, received, and filed.

Also, with affirmative recommendation.

Bill No. 760:

Resolution authorizing an Agreement or Agreements with a Consultant or Consultants for the provision of emergency medical services billing and collection services for the Bureau of Emergency Medical Services, Department of Public Safety, and providing for the payment of the cost thereof. Cost not to exceed \$50,000.00.

Which was read.

The Chair:

You have heard the reading and title of the bills, is there any discussion on the bills?

Mr. Diven:

Yes, we discussed this at the Standing Committee Meeting last week and since then a number of concerns have been brought to my attention. I am not comfortable with supporting this legislation at this time. I would like the opportunity to have another chance to discuss and debate it. I would like to make a motion to recommit it.

MR. RICCIARDI seconded the motion.

Mr. Ferlo:

Some of us just want to defeat it today.

Mr. Ricciardi:

I apologize, and I stand corrected. I withdraw my second to recommit. I am withdrawing my motion. Thank you, colleagues.

MR. ONORATO seconded the motion.

The Chair:

Discussion on the recommitment.

Mr. Hertzberg:

I don't know what we are going to accomplish by recommitment on this. There is not any further information I need to make an informed decision on this and my decision is to vote no. First and foremost reason for voting no and there are several reasons. But first and foremost is an abuse of the definition of professional services.

As you know in 1996 Councilman Ricciardi worked very hard to see enacted what is called the contracting out regulation and review act of 1996 which should have been required for this particular contracting out of our billing services. We were told that it was excluded from that regulation because this is a professional service. I cannot agree with that. This is not a professional service. Professional services usually fall under things like attorney services, accounting services, architect services, engineer services and we need people that are out there collecting bills there is no doubt about it. I just don't believe they fall under professional services.

I am afraid to expand the meaning of professional services; it will come up over and over again in different contract issues that we have to do deal with. It

would exclude whatever we are going to let be a professional service would then be excluded from all competitive bidding and for anything at all. I think this is a definition that we need to keep narrow and not expand. That's one of the reasons I would be voting no on this.

Also, the Chief had an opportunity to tell us how this is going to save the taxpayers money. I listened very carefully and I have no confidence that this is going to save any money what so ever. I think the chances are greater that this will actually cost more money then it will save after looking at the proposal, the percentage that the contractor is charging us for the services. There is a very good chance that this will actually cost us more money than we are paying now to run the service.

Finally, I think what it looks like happened here is that we had a collective bargaining kind of position here where one of the labor unions said well it is okay to contract this out. We will bargain and we will let that happen if you place these people and you do whatever the rest of the deal was, we will reach an agreement with the administration on this collective bargaining deal.

Well, that's fine. But that was totally in that context of what was best for this particular bargaining unit and how to get a contract for that. It totally ignored what is the impact on the taxpayer. We have to think about that. When I think about that, I have to vote no.

Mr. Ferlo:

I am going to vote no on this bill today. I hope we don't recommit it for a

number of reasons. I think Councilman Hertzberg raised a very important fundamental point on the issue of a previous ordinance that Councilman Ricciardi sponsored on this whole issue of privatization and the manner in which city government will either entertain or actually contract out for work that in the past had been done as part of a basic unit of government. This is not a professional service contract. If you agree with that, then you can pretty much extrapolate that the contracting out of our garbage collection will be the same kind of professional service contract.

Mr. Ricciardi's bill was that if there is an existing unit of government or an existing workforce that is carrying on this function, and to the extent that that is going to be privatized or contracted out, it must go through that review process. This resolution is circumventing the Council ordinance that we already even agreed to on this issue of even entertaining privatizing. But there are other issues involved.

I don't think the administration made a clear compelling explanation or reason as to what the costs were. It is not clear to me based on Chief Kennedy's comments that in fact we are going to save anything. If anything, it seems as though at least for the initial few years we are going to be spending a lot more money to collect the reimbursement for Medicare/Medicaid and the insurance companies. That doesn't make any sense to me. It doesn't make sense to me to hire a private company and then having to pay more money for that service as opposed to generating more income to run the actual EMS service. So there are a lot of other issues.

I also think that there is probably a sweetheart deal with one of these companies or a number of companies that wanted to be considered for the review and consideration, they were excluded from the process. The whole thing just doesn't add up in terms of being what the administration says it is going to be. But it directly is in violation of Council's ordinance on this issue of privatizing. I don't want to set that precedent in relation to the environmental services and the garbage collection in this city either. So, I am going to vote no on it.

Ms. McDonald:

Obviously there has been some discussions among Council members between maybe EMS personnel, I don't know. I haven't received any phone calls. All I received is whatever information was brought to the table at the Standing Committee Meeting. So I have no justification at this point to just blatantly vote it down.

I was prepared to vote in the affirmative but I will defer to the Chair of the committee for recommittal at that time. Colleagues, may I suggest that if you really feel that strongly then table the legislation at Standing Committee? I personally have not been privy to enough information to table it at this time, to vote it down at this time. I would like to hear a little more information because my perception conflicts with what is being presented at the table at this time.

I believe what I heard last Wednesday was that because of this specialty, the uniqueness of this type of billing that it would be more cost effective

and indeed would enhance revenues as far as that are due the city in terms of collections if a private entity who had that specialty were equipped to do it. Council's primary problem at that time was not only the privatization, but what about the workers.

In fact when I last left the meeting last Wednesday, we had asked, we wanted to see some type of guarantee that the workers would not be put out, that there would be placement for the current EMS workers who are doing the billing. We were concerned about the workers. Now we are concerned about other things. I don't know what is going on. Personally I would love to have a recommitment and if there is no recommitment then I will still vote in the affirmative.

Mr. Udin:

Yes, I think that if we looked at the nature of all the professional service contracts that this Council has approved we would find that the definition of professional services has long since been stretched from the traditional professional services that Mr. Hertzberg identified. I think that the argument was made clearly that this would generate additional revenue, more revenue than the city is able to recover with its current process.

But the question, the most fundamental question that has been raised has been that this bill violates the Ricciardi ordinance. If that's true, I think we need a legal opinion whether it be the Solicitor of the city or an outside independent legal opinion. But if it violates the Ricciardi bill, then we need a legal opinion stating that.

I am willing to either hold this or

recommit this pending the legal opinion. But we shouldn't try to resolve the legal opinion at this table. If it is a violation of the ordinance we need a legal opinion stating that.

Mr. Ricciardi:

Thank you, Mr. President. I am looking forward for future discussions on the contracting out of legislation that this legislative body is supporting, which was signed by Mayor Murphy. I think right now we are not even going to get that far. Hopefully because this bill is going to be defeated.

I think Councilman Hertzberg has stated it best. What is good for the taxpayers here in the City of Pittsburgh? Is this good for the taxpayers in the City of Pittsburgh? I would like to add to that. Is this good for the taxpayers in the City of Pittsburgh and is this good for public employees, loyal employees who have with us for many many years? I just believe that if you really look at the numbers and you believe that this thing can work, why can't it work with our own employees? Why do we need just two, three full-time employees and have seven, eight part-time employees? Why can't we use the additional \$450,000 and have our part-time employees become full-time so they can do their job 40 hours a week?

Also, regarding the collection of extra money. Well sure they're going to be collecting extra money because they are raising the fees on the suburbanites using the paramedics. So, I can see that happening. I watched this; I viewed this again last night, Sunday evening, on cable television. I did not see an argument for privatizing the EMS collection service. As

a matter of fact, Councilman Ferlo asked some very good questions.

I went through my mail today and I didn't see it there. He asked he wanted to know what four firms were solicited. He asked questions on the RFP. I didn't see that information forwarded to us in today's mail. So I am voting no on the recommitment and I am voting no on the privatizing the EMS collection service here in the City of Pittsburgh.

The Chair:

Any more discussion on the recommitment? Roll call vote.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Diven	Ms. McDonald
Mr. Onorato	Mr. Udin
	Mr. O'Connor
	(Pres't)

(Mr. Ferlo, Mr. Hertzberg, Mr. Ricciardi voted no on the recommitment).

The recommitment passes.

The Chair:

On the bill itself.

Mr. Hertzberg:

Just a brief comment relative to Councilman Udin's response on a legal opinion. The Solicitor has already delivered the opinion there, so if we are going to get a legal opinion, it's going to have to be from some other office.

The Chair:

I didn't have any discussion. I am against the bill myself, too. I am willing to let them come to the table one more time. I tell you last night at Forbes and Shady at 9:30 there was a tragic accident and our police, paramedics and fire did an excellent job. As all of you support our paramedics, they maybe the best in the country, but they maybe the worst at collecting the bills.

For two years and we had an audit and I have been covering since my years on Council I watched the retape of our meeting. Again, I want to state that we have eight part-time people. Why can't, I want to see the numbers. Why they can't hire three full time and do the job right? We have had outside people tell us that have gone through this procedure, saying how antiquated we are and offer their services for nothing over the last couple of years and it hasn't been addressed.

I really want to bring the Chief back to the table and get some answers. I think if we just vote it down now, we will lose financially because they won't fix it. It has been over two years since Mr. Flaherty's audit and gave them recommendations. I believe they haven't done half of them. I don't want to just throw it out and not fix the problem. I believe by coming to the table we can either get the problem fixed or I am willing to vote no on it.

I would like them to come to the table and tell us how they are going to fix the problem. It goes back to my statement on privatization; privatization is an excuse for poor management. I think this is one

of the perfect examples of it. Again, poor management of that office.

I am not talking about the people in the office; they have a lot of part-time people. They don't have the proper equipment. We spend \$10 million on computers and we can't collect the money so something is wrong here.

Mr. Ferlo:

Just a response, Mr. President. First of all, the paramedics themselves don't collect any money they're part of the process of the collection with a lot of paper work. The best way to achieve what you just outlined is to reject this out right today and vote no and that would force the administration to have to hire a better full-time complement of staff. We already have invested a few hundred thousand dollars in computer software equipment. If you remember the Controller's own audit either get a full-time complement and beef up the staffing or outsource as a consideration.

I think we can go in between, we can reject this outright today vote no, not recommit it and force the administration to have to go and hire some additional staff and make it a full time job. They try to do an end run around us with their negotiations with AFSCME.

The Chair:

I believe -- can I have one word. I believe they have done this for two years and haven't addressed the issue.

Mr. Udin:

Point of order. Has the vote been

taken, Mr. President? Should we go onto the next item?

The Chair:

Any more discussion on the bill?

MR. FERLO PRESENTED:

Bill No. 823:

Report of the Committee on Engineering and Construction for September 23, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 763:

Resolution amending Resolution No. 136, effective April 2, 1998, entitled "Providing for an Agreement or Agreements, or use of existing Agreements and/or a Contract or Contracts, or use of existing Contracts, and for the purchase of materials, supplies and equipment and/or services in connection with the Renovations and Maintenance of Various Public Buildings; and providing for the payment of the cost thereof," by amending the funding source and by increasing the total project allocation by \$74,200.00 from \$1,340,000.00 to \$1,414,200.00.

Which was read.

Also,

Bill No. 764:

Resolution amending Resolution No. 138, effective April 2, 1998, entitled "Providing for an Agreement or Agreements, or use of existing Agreements and/or a Contract or Contracts, or use of existing Contracts in connection with the Bridge Inspection and Maintenance Program; and providing for the payment of the cost thereof," by increasing the total project allocation by \$20,000.00 from \$255,000.00 to \$275,000.00.

Which was read.

Also,

Bill No. 765:

Resolution providing for an Agreement or Agreements, or use of existing Agreements with a Consultant or Consultants for the design and implementation of a computer control system to operate the existing computerized traffic responsive-traffic control fiber optic network; providing for a Reimbursement Agreement or Agreements with the Pennsylvania Department of Transportation; and providing for the payment of the cost thereof. Cost not to exceed \$525,000.00.

Which was read.

Also,

Bill No. 766:

Resolution authorizing the Mayor and the Director of the Department of Engineering and Construction to execute a Traffic Signal Maintenance Agreement with the Pennsylvania Department of Transportation for the City's operation and

maintenance of overhead lane control signals on the West End Bridge; a traffic signal at the intersection of West Carson Street, the West End Bridge and Steuben Street; and a traffic signal at the intersection of the West End Bridge, the Western Avenue Connector, and Ramps A and N.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills? Bills are now ready for final action.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Diven	Mr. Ferlo
Mr. Hertzberg	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. Onorato
	(Pres't)

AYES Eight NOES None

Bills have received the legally required number of votes and are passed finally.

The Chair:

Under Motions and resolutions.

MOTIONS AND RESOLUTIONS

Mr. Ricciardi:

Yes thank you, Mr. O'Connor.

Colleagues, in the past this legislative body we have put forward a number of initiatives that would offer tax relief to property owners here in the City of Pittsburgh. For example, we sponsored the gentrification bill which caps assessments at five percent that directly relates to the tax bill that one would pass.

Our gentrification bill continues to be very popular here in the City of Pittsburgh. Unfortunately, Allegheny County's gentrification bill was ruled unconstitutional through the courts and they have yet to draft another gentrification bill and put it forward. It is very disappointing.

As you know we have also made amendments under Act 77 of 1993 which freezes the assessment at the '93 level. For example, we have increased the income threshold colleagues from 15 to 20 thousand dollars. We have also lowered the age from 65 to 50 years of age. The County Commissioners continue to say well when the state gives them the authority to raise the income level and when the state gives them the authority to drop the age that they will do it. Well we didn't wait for the state to do it, we just went out to do it.

Also, as you know we sponsored legislation looking at the windfall that can occur here in the City of Pittsburgh because of the increase in assessments and we continue to offer tax relief to our city residents. We have also criticized the Allegheny County Commissioners for hiring the \$30 million Ohio firm that is doing the assessment. I think they're incompetent, their inept, they show a lack of management skills and that contract should be disbanded and ceased as soon as

possible.

It just amazes me and it's just such a disappointment that now the County Commissioners last week have dropped the discount amount from five percent to two percent. I am sorry from two percent to point zero five percent. What's more mind boggling if you read the article that was in one of our local papers when they first announced decreasing the discount, the last paragraph says oh by the way we are giving a ten thousand raise to the Public Works Director to bring him up to \$90 thousand. We are giving a \$5,000 raise to the GS Director, General Service Director to bring that person up to \$85,000.

So you tell people throughout the City of Pittsburgh and in my district that guess what you're not going to save that five, ten or fifteen dollars, but we need that money to give people these raises, public servants by the way. It's very disappointing. But the reason I am bringing this up, I really want to compliment elected officials and appointed officials. We have elected officials Don Walko, that says if the County Commissioners continue to go down this wrong path that he will sponsor legislation in Harrisburg stopping that.

We have an appointed official, John Winestein, who I commend who says that he's not going to abide by that. If you read the Second Class County Code it's logical, it makes sense what it says. I mean we can bring this to any grade school child throughout the City of Pittsburgh they will read it. You cannot decrease the discount more than two percent or less than two percent. I read it, I believe I understand it. I continue to be amazed by

the majority of County Commissioners, Michael Dawida, and Bob Cranmer and their Solicitor with the way that they read their own Second Class County Code. So it is very disappointing.

What I am asking for and I think I will take the first step and see if the colleagues can support this. I would like to see our Solicitor, our Law Department interpret the Second Class County Code to see what it says about the discount period. If she comes back, our Solicitor comes back and tells us that they cannot discount it, they cannot decrease it under the two percent level, then our next step should be actually to file court action and intervene in the case.

Let me also say that I have tried to do this the right way and the courtesy way. I made a call into Michael Dawida's Office last night. I showed my frustration with it because I am representing county residents, City of Pittsburgh are county residents. Matter of fact if you look at the city of Pittsburgh we pay more county tax dollars then the next ten municipalities throughout Allegheny County.

So we represent county residents. We are not only a City Council; we might be the County Council, the one that is truly representative of county residents. Now I do hear from the grapevine and I hope this is true that the County Commissioners have rescinded the two percent. I don't mean to put out possibly wrong information or disseminate information that I don't have confirmation of. But I hope that is true because it is just wrong by the County Commissioners.

They tell us that they lowered the property tax by 20%. If you take what

they have done to assessments, if you take that they have not put forward a gentrification bill, if you take that they have not made amendments to the Act 77 1993 legislation that we have, if you take all of that they have not decreased taxes here in the City of Pittsburgh and Allegheny County, I will bet over all taxes have increased.

So, I would just like to put a motion forward that we direct and authorize our City Solicitor Jacqueline Morrow to interpret the Second Class County Code regarding the discount of amount that taxpayers can receive if they pay on time or early. Motion please.

MR. FERLO seconded the motion.

Which motion prevailed.

Mr. Udin:

On a different matter, Mr. President. I just want to bring to Council colleagues' attention and to the attention of the public that this is a very important week coming up which will culminate on October 4th with the American Heart Association's Heart Walk.

I have been asked to be an advocate for support and fundraising for the American Heart Association. I am sure we were all stunned when Florence Griffith Joyner died of heart disease. I certainly am reminded of my own dear friend Councilman Jake Milliones who died suddenly of heart disease. Often times, heart disease is unknown. We have a kind of a stereotype that heart disease just effects men or heart disease just effects seniors. Nothing can be further from the truth and the heart association is

involved in a really very important research, is involved in education and advocacy especially advocacy aimed at keeping youth blocking youth access tobacco and other behaviors that bring about heart disease and stroke.

We have an opportunity this week, colleagues, to participate and help a very important effort and that is to put teams in the American Heart Walk on October 4th in Highland Park, in Councilman Ferlo's District. There is information that has been sent to each of the Council Offices as well as to many organizations and businesses around the City of Pittsburgh requesting that they support this heart walk on October 4th.

If anyone needs any further information, my office is available. We will be contacting each Council Office and the departments within the city asking that everyone in the city give strong support to this effort.

Again, the date is October 4th at Highland Park the American Heart Association's Heart Walk.

The Chair:

Is that next Sunday?

Mr. Udin:

Yes.

Ms. McDonald:

Yes. I would like to ask for Council President, Bob O'Connor, to give us an update on his effort in collaborating with myself as Chair of Parks, Recreation and Youth Policy, the initiative to apply

for a grant that is provided for acrossed the nation for cities to bring in Tiger Woods into the City of Pittsburgh.

The Chair:

Actually, Valerie and I along with City Parks have been working on what I think is a very exciting opportunity for Pittsburgh. Today is the day we are going to send a bid into bid to the Tiger Woods Foundation inviting him to and asking Pittsburgh to be one of the host city's. In fact I have passed these out, Linda or John, some information I would like to share with all of you.

The Tiger Woods Foundation started last year. Tiger visits five cities a year. In fact this weekend he just visited Louisville. I spoke with Detroit and Portland and Portland said it was probably the most exciting event they had had in their city in many years.

What it's all about? It is to introduce inner city kids to the sport of golf. You know we all play baseball, football, little league, and unless your father maybe a golfer or it seems to be a suburban sport and with this effort I believe introducing it to inner city kids will be a great opportunity for all of us. Presuming we can use, if we get the bid to use Schenley Park Golf Course it is probably unique in the country that anybody in the city can be at Schenley Park within two buses. It drops a kid right off at the golf course. I think that is a unique opportunity.

So, I would like everyone's input. We have actually 30 days to come up with a bid package but today is the introduction that we would like to be one of the host

city's. It needs a major sponsor, a \$25,000 major sponsor and then the city they have asked the city to come up with a basic paramedics, police, bleachers. Working with Val and the Parks we would certainly be able to do at almost no cost to our own employees doings.

Interesting enough, I made four phone calls to different companies seeing if there would be interest in that. All four got back to me the same day that they would be very very interested in being the host sponsor. So I stopped at four calls because I don't want to ask too many people and all of a sudden have to pick and choose one sponsor over an other.

It is a very exciting, it is not just about golf, actually this I have to give credit to Carol Ikehart (phonetic) who is a disabled police officer who initiated this, she is a friend of mine. Actually I coached her son in little league and she has been really pushing this on both of our offices. She has talked to Earl Woods lobbying for Pittsburgh.

What it does is Mr. Woods, Senior, comes in and they spend time, they have seminars with the youth from the city, two days of that. Family initiatives, homework, basic things that all the good things that Tiger represents and they do have a golf clinic and on the Monday Tiger himself comes in and gives lessons to the kids.

So, it is a very big introduction to golf for inner city kids. It is a fundraiser and all the money goes to different programs to help inner city. Whether they be buying equipment, there are two or three organizations that I have spoken to around the district that do this on a very

small scale. Another initiative we have been working on is First Tee. It is a national foundation that actually goes into inner city and actually builds a small golf course with classrooms.

So, I think this is a very exciting opportunity. I would like all Council members to be involved with this along with the parks led by Ms. McDonald, Dwayne Ashley and Faith have been very receptive to this. We have 30 days to put a package together and we will be bidding as many other cities. But I think if we all work together we have the opportunity to do it.

Mr. Udin:

I just want to -- first of all I really do support this effort. I think it can be very energizing in the city. But to remind you also, I am sure you are aware that there are a number of organizations that have been promoting inner city golf for a number of years. I would hope that there is a way that they can be included as cosponsors in this event.

The Chair:

Actually I have spoken to two that I know of and both gentlemen are very excited about it. We want to partner everyone. That is why I am bringing it to Council so you don't read it somewhere in the paper. It has to be a joint effort of Council members, the city, and all the organizations who sponsor golf or are interested in golf.

Mr. Ferlo:

I hate to end on a sad note since you gave such great news about Tiger

Woods. I think it is very exciting what you're doing Councilwoman McDonald. Anything we can do we would like to be helpful.

On another less than happy note, the administration is engaging in what I consider very blatant unfair labor practice against the Teamsters Union in particular. But more importantly the employees within our environmental service workers department.

I don't usually go out of my way to attend union meetings, but I am going to attend a union meeting tomorrow evening in Lawrenceville. This is a meeting of the Teamsters representing the workers in our own city environmental services department. But for the City administration and the Mayor to tell a group of workers who are now represented through collective bargaining that they, in the middle of their negotiation for a new contract, that they have to go out and either form a company or somehow submit a bid in order to run or compete with the largest most monopolized landfill contractors in the country. I don't understand what is happening.

First of all, I think it violates our code of ordinances and Council's role in deciding what is going to happen with environmental services in this city. But it is definitely an unfair labor charge. I hope and I will encourage the Teamsters local to file that federal action at NLRB. In the middle of their contract negotiations and this is a Union who has had a hard time as far back as Mayor Masloff in getting an annual contract.

In fact they worked for several years without even having a contract.

They have been really treated poorly by the previous administration, and now it continues with this administration. In 11 years of public office I can count on my right hand the number of complaints that I have gotten from constituents regarding garbage collection in the City of Pittsburgh. The few problems that I have had it is usually because there is a new homeowner or a new resident it is not clear whether the garbage was to go in the alleyway or the front or the back. But uniformly and overwhelmingly, people are extremely satisfied, and this is a work force that has taken it on the chin over the years. They are picking up a lot more garbage with less workers. There is a greater number of routes so without really any measurable pay increase on the part of that work force. Now at the middle of the time, which is supposed to be negotiating their future contract, they're told pretty much that they have to go out and submit a bid somehow.

Now I don't know how these workers are just supposed to materialize in a room and decide how to set up a capitalist company overnight in order to bid on their garbage contract for the city, that doesn't make any sense at all. Secondly, let's be realistic about what is going down here, there are several large landfill companies that pretty much monopolize and own most landfill dumps all around the South Western Pennsylvania region. So how would these people even go out and get a bid, an annual bid from a landfill contractor when the same landfill contractor is frothing at the mouth right now hoping to get the cities annual contract for garbage.

Do you think they are going to give them a good tonnage rate? So the whole

thing is absolutely ridiculous. It is unfair. It is unfair as far as the labor union and it is totally undemocratic and unfair as far as the Council process in deciding whether or not we would even consider privatization, which I think right now a majority of colleagues are squarely committed in opposition to any notion of privatizing a great city municipal service and that is garbage collection.

So, I am going out there and I am going to rattle the bushes tomorrow night as much as I can and rile those people up. I think they should march around this building, I think they should sue the Mayor, I think they should file unfair labor charge. The best thing they could do is not pick up the garbage from the Mayor's house and some of these other public bureaucrats around city government and maybe they would start appreciating the garbage workers a little more.

The Chair:

I don't know if all Council members were invited I know I plan on attending too.

Mr. Ferlo:

I told all Council members.

The Chair:

While your on a roll I must say, as I said, I want you, when you want to fight, I want you in the corner. I went to the Steeler game yesterday and saw some people I hadn't seen in a while. They were very impressed about the people passing out the boycott Nabisco, at the Giant Eagle. The unsolicited came to me and said they refused to buy off Nabisco

especially I think so the work the boycott with the University of Pittsburgh leading the charge and the rank and file at the local supermarkets is starting to have an effect.

I think people are very clear especially once it is explained that this is not an organization asking for more money, in fact they have taken cuts and they are out producing their other regional factories. So I believe your initiative is starting to -- I hear from it. I hope everyone continues to work. I know there is supposed to be a press conference today. I don't know if have you any update on that or not.

Mr. Ferlo:

The Governor Ridge and Senator Santorum press secretary, Mayor Murphy is taking Senator Santorum better known as the tobacco kid out to the Nabisco plant today supposedly to tour the plant. It is a bunch of headline grabbing as far as I am concerned. They are telling me something we already knew the work force, that is, we have been negotiating with Nabisco about keeping some equipment there. That's not what we want from Santorum.

Santorum is a mouthpiece and spokes person for RJR Tobacco in this country. If he goes out to East Liberty it should be to make an announcement that they have changed a backward policy of closing the plant. Not just touring it with our good Mayor and letting us know that if we behave ourselves we can have a couple pieces of equipment. He can stick it.

The Chair:

Let's lobby him to keep the plant there. That should be his goal and our

goal.

On one other positive note on Saturday the greater Hazelwood area has done a lot of work and we are going to have our first 5K walk run in Hazelwood. John Zakarski and the task force has really done a nice job turning the neighborhood around. We are very proud to show off the greater Hazelwood community. So if you all can show up Saturday morning I will be glad to run and walk with you. Any other discussion?

Motion to approve the minutes.

MR. UDIN moved to approve the minutes.

Mr. ONORATO seconded the motion.

Which motion prevailed.

MR. HERTZBERG moved to adjourn the meeting.

MR. DIVEN seconded the motion.

And on the motion made by Mr. Hertzberg, the meeting adjourned.

The Chair:

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED THIRTIETH COUNCIL

BOB O'CONNOR.....President
LINDA M. JOHNSON-WASLER.....City Clerk
JOHN R. MASCIO.....Deputy City Clerk

Pittsburgh, PA
Tuesday, October 6, 1998

PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Diven	Mr. Ricciardi
Mr. Ferlo	Mr. Udin
Mr. Hertzberg	Mr. O'Connor
Ms. McDonald	(Pres't)

The Chair:

Will you all please rise for the pledge of allegiance and please remain standing for a moment of silent prayer for peace and hope throughout the world.

With us today we have four special guests to help us with the pledge today. They're all in the eighth grade at Arsenal Middle School. We have Jennifer Cobb, Marcus Tall, Brandon Titus, and Casey Hicks. They are from Councilman Ferlo's

District, District 7.

Jennifer Cobb, Marcus Tall, Brandon Titus, and Casey Hicks:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands one nation under God indivisible with liberty and justice for all.

The Chair:

Thank you for coming down. We have a gift for you from all Council members.

We certainly have a festive atmosphere in Council today and many, many special guests.

PRESENTATIONS

Mr. Diven:

At this time I would like to call up Assistant Fire Chief Micheli and all the members of the Fire Bureau that have come out to come up. With us today we have Assistant Chief Micheli, Captain Kelly, Lieutenant Walker, Captain Cunningham, Captain Caruso, Inspector Cable, Inspector Thomas, Inspector King, Inspector McDowell, and Inspector Jones and Deputy Chief Modrack.

It's a great honor to be able to recognize these gentlemen for their work in the City of Pittsburgh for fire

prevention. Today we are going to proclaim it Fire Prevention Week in the City of Pittsburgh. With that I will read the proclamation.

MR. DIVEN PRESENTS:

No. 824 WHEREAS, most people underestimate the speed and power of fire and the time it takes to escape; and

WHEREAS, people may not be aware that smoke and poisonous gases are the leading cause of deaths in fires; and

WHEREAS, knowing how to escape safely if fire does break out is essential; and

WHEREAS, the Fire Bureau is joined by other concerned citizens as well as businesses and schools in their fire safety efforts; and

WHEREAS, it is especially appropriate this week to recognize the value and accomplishments of Pittsburgh Firefighters, especially those whose work supports educational programs, inspection programs and other preventive measures.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend the City's Firefighters and encourages the citizens of Pittsburgh to participate in fire prevention activities at home, work and school and to heed the message, "The Great Escape".

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare the week of October 4 through October 10, 1998 to be Fire Prevention Week in the City of Pittsburgh.

MR. FERLO moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

Mr. Diven:

With that I would like to call up Chief Micheli and ask him to detail some of the work that they have been doing.

Chief Micheli:

Good morning. I don't know if they passed the brochure out to you? There is a brochure that we pass out every year it documents the smoke detectors that have been put into your district up to now. In the back it documents the smoke detectors that have saved lives and it is all by districts that have been for this year.

I thank you for proclaiming Fire Prevention Week. It's a week where we recognize the gentlemen over here on the right. It's they who go out there. The fire prevention is working. Our statistics up till now, I hope it lasts until the end of the year, we have had six fatalities. This will be the first time in about 12 years that we are in single digit fatalities. I hope it's not a blip it will be three years in a row.

These are the people that go out. They do the inspections. They do about 2,000 inspections a year. They're inspecting about a thousand systems a year. They're doing about 1,000 public education programs a year.

I would like to also bring up at this time because of the times that we're in. Since 1990 they're doing this all, working

with the customers and they have increased their revenue by 400 percent. It is outstanding.

I have done this once before in my tenure. We have a Captain here that is my right hand person. He's the captain of fire prevention. He will be retiring. This is his last year. He has 36 years on the job. I would like him to say a couple of words.

There is one other thing for Fire Prevention Week. We are doing one thing a little different this year. We are having an evacuation drill and all 184 public, parochial and private schools in the city and they are being witnessed by the firefighters that are in their districts. Thank you.

Mr. Kelly:

Good morning. This is a pleasure for me to address this body. I have been here many times. I have been so proud to be a Pittsburgh Firefighter for these years and the six half years that I have been in fire prevention it has really opened my eyes because of the death and destruction that I have seen in my first 27 years in suppression.

This is a heart felt joy when you see that you can stop a lot of this. Especially with the little children and the senior citizens that don't have the capabilities to escape without assistance and the smoke detector program is a big part of that.

I want to thank the City Council and especially the citizens of Pittsburgh for supporting the Pittsburgh Firefighters. Thank you very much.

Mr. Diven:

First of all, I would like to thank you on behalf of City Council and commend the men and women of our Fire Bureau for the tremendous job you have done and we appreciate all your work. I know City of Pittsburgh is a much safer place to sleep at night because of your diligence. Thank you for all your dedication.

The Chair:

Will the parade committee and the Sons of Columbus please come up?

Mr. Ricciardi:

We have a number of honored guests this morning in celebration of the Columbus Day Parade and surrounding activities. A celebration of tradition, a celebration of ethnicity, heritage and a celebration of friendship and family. Mr. O'Connor and I are very honored today to read these resolutions.

The resolution that I am going to be reading has been sponsored and drafted by Councilman Dan Onorato who presently is attending to a constituent matter in the North Side. I will read the resolution and then ask Mr. Guy Costa to please come forward and introduce special guests surrounding this resolution.

Once again, it's a celebration of ethnicity, heritage, family and friendship and I am very proud to read this, Mr. Costa.

MR. ONORATO PRESENTS:

No. 825 WHEREAS, the 14th Annual Pittsburgh Columbus Day Parade and Festival will be held on Saturday, October 10, 1998; and

WHEREAS, the Columbus Day Parade and Festival Chairman, Guy Costa and Parade Director Art Trunzo have again worked hard to assure an exciting, entertaining, and musical event commemorating the discovery of America by Christopher Columbus in 1492; and

WHEREAS, Mr. Mike Acquaviva, Mr. Hank Blum, Mr. Mike Tarquinio, Mr. Joe Natoli, Ms. Marlene Cassidy, Ms. Cathy Fusca and Ms. Mari Hertzberg also contributed to making this year's parade a reality; and

WHEREAS, the Grand Marshall's for this year's parade is Mr. Tony Rende; and

WHEREAS, the Italian American String Band from Philadelphia will perform in the parade and wrestler Bruno Sammartino will be present.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates and commends the 1998 Pittsburgh Columbus Day Parade and Festival Committee for their dedication to making this annual event a success.

MR. FERLO moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Mr. Costa, would you please come forward and make sure we introduce our special guests and thank you for all your hard work.

Mr. Costa:

Thank you. First, I want to thank City Council and the City of Pittsburgh for all their support of making our parade and festival possible. This is our 14th annual parade and we are really excited about it. With me from the parade committee I have Marleen Rende Cassidy is one of Coordinators, Mari Hertzberg is our Band Chairperson, next to Mari is Cathy Fusca who is our Artistic Director, and behind the pretty ladies is Mike Tarquinio who is another one of Coordinators. Over here we have everyone knows our famous Joe Natoli our Festival Director and behind Joe is Hank Blum and that's our group. Also, Anthony DeNardo has a dual role here he is with the Sons of Columbus as well as Float Director with the parade committee.

Again, the parade is this Saturday at 11 o'clock in downtown Pittsburgh. We will start at the Civic Arena and end at Station Square. Following the parade we will have a festival at the Bessemer Court at Station Square. We are really excited about it. We have some interesting groups in this year's parade. As was mentioned we have Bruno Sammartino making an appearance here back in Pittsburgh as well as we have a string band. A string band that is very popular in the Philadelphia area. They are known as the Mummies Band, beautiful artistic band that we have in this year's parade.

So the weather forecast for Saturday is a beautiful day and we are really excited about the parade. For those who are listening, and watching please make every effort to come downtown on Saturday and watch our parade and festival. Thank you.

The Chair:

This is a dual sponsorship and very exciting. I guess it kicks off Friday with the Columbus dinner. So on behalf of all my Colleagues I would like to read this proclamation to the Sons of Columbus.

MR. O'CONNOR AND ALL MEMBERS OF COUNCIL PRESENT:

No. 826 WHEREAS, the Sons of Columbus of America, Incorporated, is dedicated to promoting the ideals and qualities as exemplified by the renowned explorer and discoverer of America, Christopher Columbus, and to encourage civic leadership; and,

WHEREAS, since April 9, 1925, the Sons of Columbus of America have established a superior record of public service as evidenced by their efforts to restore the Christopher Columbus Monument in Schenley Park and their leadership in organizing the commemoration of the Quincentennial Celebration honoring the 500th Anniversary of the Discovery of America in 1992; and,

WHEREAS, the Sons of Columbus will be holding their 73rd Annual Banquet on Friday October 9, 1998. Included in the festivities will be the Fourth Annual Crowning of "Miss Bella Italia". The Sons of Columbus will also celebrate a

special Columbus Day Mass at St. Paul's Cathedral, followed by a Memorial Service at the Christopher Columbus Monument in Schenley Park; and,

WHEREAS, the Sons of Columbus 1998 banquet is honoring Patsy A. D'Eramo, Sr., in appreciation of his work and dedication to conserving Italian traditions in America.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh extends its thanks and appreciation to the Sons of Columbus for its many years of service to the City and extends its best wishes and congratulations to this year's honoree; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh proclaims Friday, October 9, 1998, as "Sons of Columbus Day" in the City of Pittsburgh.

MR. FERLO moved to adopt the resolution.

MS. MCDONALD seconded the motion.

Which motion prevailed.

The Chair:

I have Marie DeNardo who is our leader.

Ms. DeNardo:

Thank you. On behalf of the Sons of Columbus of America, Incorporated. It's a pleasure and honor to be here this morning to accept the proclamation on behalf of the Sons of Columbus. This year is especially important to me and I am

very proud that my son has been elected National President of the Sons of Columbus. Thanks again.

The Chair:

As we have the queen, this year's queen, you will be giving up your rein after one year, Sabrina Cordetti.

Ms. Cordetti:

Thank you. Thanks for having me here today. I want to say that it was a great experience and a great honor to have the chance to represent the Italian community. I will continue throughout the future to represent and support the Italian community. Thank you.

The Chair:

Thank you. You certainly did a good job this year. Anthony, you are the new president. Come on up and say a few words.

Mr. DeNardo:

Thank you, Bob. Honorable Bob O'Connor, Honorable Gene Ricciardi, members of City Council, it is an honor and pleasure to accept this proclamation for the Sons of Columbus. On behalf of all the national officers and all the 3,000 members of the Sons of Columbus we thank you for this proclamation today. Thank you very much.

The Chair:

I know we can't have Joe Natoli here without saying a few words. Come on, the Mayor of Morningside come on up. Tell us what is going on.

Mr. Natoli:

Hello. It's a great pleasure. It's 14 years now that we have had this program and it's getting bigger and better, and under the guidance of our main guy we're doing real well. It is going to be a great parade this year. In fact we have the best parade in town. Now the Irish might say they have the best, but we have a quality parade, no kidding.

We have a great parade and a lot of entertainment and everyone is doing a great job with it and we appreciate your support. Thank you very much.

The Chair:

Anyone else?

Mr. Ferlo:

I would like our guests from Lawrenceville to come forward and from the Conservancy. We have Josie Gerskey here today the Assistant Director of the Community Conservation at the Pittsburgh Conservancy and also Rebecca White from the Lawrenceville Business Association. I would like to read the proclamation.

MR. FERLO PRESENTED:

No. 827 WHEREAS, the Lawrenceville Alive!! Community garden contest is a competition whose goals are to beautify the Lawrenceville neighborhood, increase civic pride, and to promote urban gardening for people of all ages; and

WHEREAS, this year's contest was initiated by the Western Pennsylvania Conservancy and aided by the cooperation

of the Lawrenceville Development Corporation and the Lawrenceville Business Association; and

WHEREAS, the Lawrenceville Alive!! Garden Contest resulted in the beautification of Lawrenceville through the installation and improvement of many prominently displayed urban gardens showcasing the gardening skills of contest entrants as well as the true potential of the urban gardening movement; and

WHEREAS, a celebration to announce winning gardeners will take place on Sunday, October 11th, 1998 from 2 to 4 p.m. at Saint Mary's Lyceum located at 333 45th Street in Lawrenceville which will highlight the accomplishments of and pay tribute to the neighborhood's garden enthusiasts;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Pittsburgh does wish to commend the Western Pennsylvania Conservancy, the Lawrenceville Development Corporation, and the Lawrenceville Business Association for their work in spearheading this initiative, proving what hard work and a green thumb can do for an entire neighborhood; and

BE FURTHER RESOLVED, that the City Council of Pittsburgh wishes to recognize the efforts of all Lawrenceville Alive!! Gardeners and contestants whose gardens colorfully display the importance of community participation in the neighborhood revitalization process; and

BE IT FURTHER RESOLVED, that Council wishes to extend an invitation to the Awards Celebration to all residents of the City of Pittsburgh so that they may

recognize the importance and potential of community gardening and so that they may also be inspired to create their own urban gardens throughout the City.

MR. COHEN moved to adopt the resolution.

MS. MCDONALD seconded the motion.

Which motion prevailed.

Mr. Ferlo:

I think the resolution and the proclamation are self-explanatory. I don't think what we are doing in Lawrenceville is necessarily that unusual but it is a great development in the community. If you have been by the Doughboy Square statue area or the 40th Street Bridge and other locations in our neighborhood, but I think every Council colleague thinks the good work of the Conservancy throughout the city, throughout the county and in fact really the region. You can see the plethora of flowers that grace all kinds of intersections, bridges, and parkways you name it, the Conservancy together with private corporations, foundations. I know they have gotten some Rad funding, they're just so many beautiful gardens it really has greatly embellished the esthetic quality of the City of Pittsburgh in particular.

I think we really need to highlight the work of the Conservancy throughout the year so people can be supportive all this gets with the sweat equity of an awful lot of volunteers. We wanted to pay special attention to the Lawrenceville initiative and I wanted to thank Rebecca White who is here from the Business Association and the development group

and others that work very hard to beautify our portion of the neighborhood and our portion of the City of Pittsburgh. So with that I would first like to ask our friend from the Conservancy Josie to say a few words and also Rebecca White.

Ms. Gerskey:

Good morning. On behalf of the Western Pennsylvania Conservancy and our partners in the Green Neighborhood Initiative, which includes Conservation Consultants, Pittsburgh History and Landmarks and the Vera I. Heinz Endowment we want to thank you for all your work, for everyone's participation. Without the volunteers contributing their sweat equity none of this would be able to get done.

I would like to tell you that next year we will be conducting a city wide garden contest and look forward to seeing all the other beautiful areas of the city. Thank you.

Ms. White:

Good morning. On behalf of the Lawrenceville citizens and community development corporations I would very much like to thank the Conservancy. They have provided invaluable guidance, help and volunteer hours as we have gotten this effort underway in Lawrenceville. Thank you.

Mr. Hertzberg:

This is Southwestern Pennsylvania Manufacturers week and I have with me from the Southwestern Pennsylvania Industrial Resource Center Art Tintori who is the Director Financial Services and

Jim Marsilio who is the Managing Director of Business Development there. This is a special week for manufacturers in this region. Some of the special activities are some plant tours and also some visits to the schools to promote manufacturing with the students.

I think this resolution will be self-explanatory. But I think we take for granted how many good jobs there are in small manufacturing. It is not necessarily the gigantic companies that provide a lot of the work. Some of these are 10, 20 person operations and they're so many of them around here that they provide a significant amount of employment and good jobs.

MR. HERTZBERG AND MR. O'CONNOR PRESENT:

No. 828 WHEREAS, manufacturing remains the lifeblood of Southwestern Pennsylvania's economy, employing more than 1,017,000 people in the counties of Allegheny, Armstrong, Beaver, Butler, Cambria, Fayette, Green, Indiana, Lawrence, Somerset, Washington and Westmoreland; and,

WHEREAS, manufacturing provides one of every seven jobs for workers, ranking ahead of health care, construction, financial services, education, transportation, and government in total employment in the region; and,

WHEREAS, local manufacturers support a total annual payroll of nearly \$6 billion, the highest of all employment sectors and contribute nearly \$200 million in local, county, and state taxes to help support our communities, schools, and way of life in the 13-county area; and,

WHEREAS, the exportation of manufactured goods produced in the region brings millions of dollars to our economy each year; and,

WHEREAS, manufacturing is a great career choice for the region's youth with an array of opportunities and an industry average wage that is 40% higher than the average wage for all employees in the region; and,

WHEREAS, the future of our economy depends on local schools to educate and prepare students to become successful employees and managers in the manufacturing sector; and,

WHEREAS, local community leaders, educators, and manufacturers have bound together to build partnerships to strengthen the ties between education and industry; and,

WHEREAS, the Pittsburgh High Technology Council's Advanced Manufacturing Network, in partnership with the Southwestern Pennsylvania Industrial Resource Center's Southwestern Pennsylvania Connection, is committed to supporting the needs of manufacturers throughout the region; and,

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby acknowledge manufacturing as a great career choice; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh in recognition of the important contribution manufacturers have made to the economic health and welfare of our region and city declare that the week of

October 5-9, 1998, be designated as "Southwestern Pennsylvania Manufacturers Week" in the City of Pittsburgh.

MR. FERLO moved to adopt the resolution.

MS. MCDONALD seconded the motion.

Which motion prevailed.

Mr. Tintori:

Good morning. On behalf of Ray Krispen (phonetic) our President and the Advanced Manufacturing Network, the Pittsburgh Technology Council, the Southwestern Pennsylvania Resources Center, SPIRC, and all the Manufacturers in the City of Pittsburgh we are very grateful for this proclamation in support of manufacturers week. This is an excellent opportunity to showcase, to draw attention to manufacturing which is the lifeblood of our economy.

We are very grateful also to the relationship and partnership we have had with the City of Pittsburgh and the URA for the last ten years in working with our mission to grow the manufacturing base in the city and in the region. Thank you very much.

The Chair:

Colleagues, if you don't mind I will go out of order a little bit because we have some special guests in the back. The youngsters actually are doing a very good job. They're really paying attention. I would like to bring them all up. Mr. Udin, your guests are very well behaved; they're doing a good job back there.

Ms. McDonald:

They're my kids. Those special guests are the Head Start children at Saint James AME Church, in the Lincoln area.

This resolution is to acknowledge not just the children they're here to support their teacher; their teacher is a heroin. That is the female form of hero. She is a heroin. Her name is Revoir Denise Segers.

I am going to read the resolution because these children have been the best behaved children I have seen in City Council chambers in a long time. They are babies and they were very well behaved back there. All they had to do is go to the bathroom one time. I want to thank you all. I want to read the resolution before things get more chaotic.

MS. MCDONALD AND MR. DIVEN PRESENT:

No. 829 WHEREAS, Tuesday, September 22, 1998 began as any other normal day for Head Start assistant, Denise Revoir Segers, little did she know that later in the day she would be penned the title of "hero"; and

WHEREAS, at approximately 10:50 a.m., a gentleman armed with a gun entered into the Head Start Program located at St. James AME Church basement on Lincoln Avenue. Thirteen children were in the hallway preparing to wash their hands before lunch; and

WHEREAS, Ms. Segers, with the assistance of a parent volunteer, Mr. Willie Sims, began moving the children from the hallway into the classroom to safety, all

while Ms. Segers calmly spoke with the gunman to turn himself into police; and

WHEREAS, Ms. Segers was able to divert the gunman's attention long enough to call 911. Police arrived and arrested the gunman with no incident. Thanks to the quick and rational thinking of Ms. Denise Revoir Segers the children were never in real danger.

NOW, THEREFORE, BE IT RESOLVED, that the Council in the City of Pittsburgh salutes Ms. Denise Revoir Segers for her bravery and her heroic measures in preventing what could have been a tragedy.

BE IT FURTHER RESOLVED, that the Council in the City of Pittsburgh proclaims today, October 6, 1998 as "Ms. Denise Revoir Segers Day" in the City of Pittsburgh.

MR. FERLO moved to adopt the resolution.

MS. MCDONALD seconded the motion.

Which motion prevailed.

Ms. McDonald:

You deserved that standing ovation. She is a very humble person. When she came in she just basically wanted the kids to be taken care of and she works with many others here. I have a list of names here I am going to also acknowledge besides Ms. Segers. First I want to acknowledge her sister, Angela Segers. If I mispronounce your name, just yell out the correct pronunciation. Jim Yahner, Carol Fisher, Devon Miller, Mark Sevel, Melissa Mullee, and Pat Thomas. I

am missing some names. Ruth Bineham, Consuella McTurner, Ebony Howells, teacher of the class, Vee Harron, anyone else? A parent, Ms. Lee.

And again, if you didn't read the article, it was in the Courier. I can provide copies. I don't know what addition it was in. But it highlighted her heroism and I am not going to speak any further because I think her actions do speak for themselves.

One thing I will tell you, Revoir, is that you just put the kids in the room and closed the door and talked calmly. A lot of people don't understand the guy was swinging his gun talking to her. He was a crack addict, swinging his gun. Most people would just crumble inside at the thought of doing something like this. How could they do it? But I knew when I read that I said this woman is a Christian. When your time is up your time is up. You never fear. You take care of the situation when it comes and you just stand firm in your faith. That is all you can do is stand on faith.

So again I commend you. I acknowledge you and for your bravery and with no further ado, I would like to hear from you and whatever guests as long as -- they're busy. They're getting a little busy right now. We would like to hear from you and also Councilman Diven. Before you, Councilman Diven who is Chair of Public Safety.

Mr. Diven:

When I watched this on the news and read the accounts my heart dropped but I really have to thank Ms. Segers. Your courage and bravery is understated

by your demeanor here today. I think that a lot of people that were in this situation would have folded under the pressure. There are only a few people on the planet like yourself and you are to be commended.

I think all these beautiful children that are here today really owe a lot to you. I think the City of Pittsburgh is fortunate to have people like you that we call our residents and we thank you. Best of luck with all the children, because what you did was a tremendous thing.

Ms. Bineham:

Good morning. I am Ruth Bineham. I am the Education Career Development Coordinator for the Head Start Program, and we truly highly commend Denise Segers for what she did in that classroom that day she was very excellent and calm. So I called the Mayor's Office and I asked for a proclamation for her.

It says by virtue of the authority vested in me as Mayor of the City of Pittsburgh, I do hereby issue this proclamation honoring Denise Segers in the City of Pittsburgh. Recognizing Denise Segers of East Liberty for her tremendous heroism and courage while confronting a potentially dangerous gunman while working as a teacher aide at the Pittsburgh Public Schools Head Start Program located at the Saint James AME Church in the city's Lincoln Larimar neighborhood.

Recognizing that Denise Segers reacted with calm and poise and headed off a situation that placed not only herself but three other individuals including two

children in harms way.

I am proud to offer this proclamation honoring the dedication, devotion and heroism of Denise Segers and to offer her my sincere thanks for her bravery through this tremendously difficult situation.

In witness there of I have here unto set my hand and cause the seal of the City of Pittsburgh to be affixed. Signed by Tom Murphy. October 1, 1998. Cheers to you.

Ms. Segers:

I want to say thank you for all the honors and everything that you have bestowed upon me. But look at the faces, who would not have done the same thing, really? Thank you.

Mr. Sevel:

I am Mark Sevel one of the five coordinators for Head Start. I have known Denise for approximately 14 years and in that time I have known that she is a capable and qualified person in her position and whatever she does. It doesn't surprise me at all that she came forward when the opportunity existed. Thank you.

Ms. McTurner:

Consuella McTurner. I am the family advocate for Saint James Head Start Center. Denise, we want to say to you from social services that we are very proud of you. Denise has been with Head Start for quite sometime so we are not surprised at what she did. She is very good and very respected, very competent and we want to say that to you. Thank

you.

Mr. Ricciardi:

Thank you, colleagues. I have a resolution from Councilwoman McDonald and myself. I would like to ask the Stivers Temporary Services if they could please come forward. We have with us, colleagues, Melissa Surrells, Ellen Ashi, Francine Liberto and Carrie Brittingham. Thank you.

Colleagues, we continue to talk about creating and retaining jobs in the Pittsburgh area and Stivers Temporary Personnel Services and the women before us continue to match those goals.

MR. RICCIARDI AND MS. MCDONALD PRESENT:

No. 830 WHEREAS, Stivers Temporary Personnel Inc., located at Liberty Center Arcade Level 1001 Liberty Ave, in the City of Pittsburgh has helped thousands of Pittsburghers make the transition from underemployment and unemployment to full-time job opportunities; and,

WHEREAS, Stivers Temporary Personnel Inc. is the oldest temporary agency in the United States; and,

WHEREAS, temporary agencies such as Stivers Temporary Personnel Inc. has placed over million workers into permanent positions; and,

WHEREAS, according to the National Association of Temporary and Staffing Services, 12% of workers are temporary employees are retirees who need extra money to fill in the gaps of

social security or who need the flexibility that "temping" offers; and

WHEREAS, the week of October 5th has been named "National Temporary Week" throughout the country; and,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pittsburgh congratulates Stivers Temporary Personnel Inc, on this occasion and declares Tuesday October 6, 1998 Stivers Temporary Personnel Inc. Day in the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

MR. DIVEN seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Colleagues, I would like to ask Councilwoman McDonald to please come up and then we will ask Melissa to start us off. Thank you.

Ms. McDonald:

I just want to commend Stivers for being the subject of the week to celebrate temporary services. I am not going to pontificate except to say thank you personally from me. I never worked for Stivers but I did work for two temporary agencies during my college days. Because of you, all of you helped me get through school, because I went through school on scholarships and work. I did not ask my parents for a dime. I think one time for some cash I didn't have money for deodorant. But I tried to get through school myself because I had all kinds of

jobs and basically it was a learning experience.

The pay was very good at that time. A contrary to beliefs, temporary help is not just you know dirt cheap, minimum wage. They're very good wages. I was paid very good wages as a young adult getting me through school from working in a bank, working in clerical and even being Twinkie the Kid as a promotion for Braun's Bakery. Hey, that was a good job because it paid 40 cents more an hour than the other job I had.

So, again, I wanted to thank you on behalf of myself as someone who did benefit with temporary service agencies, temporary employment agencies.

Ms. Surralls:

On behalf of Stivers I would like to thank Councilwoman McDonald and Councilman Ricciardi. I would like to invite you all to our Open House reception we are having this Thursday in our office.

I would also like to recognize the people who couldn't be with us today our temporaries, they all work so hard for us and all our companies and the clients who use us to fill their staffing needs.

Also, this Thursday we are having an Open House Job Fair so any job seekers in the Pittsburgh area who would like to come it is from nine to five in our office. You can come and meet with our staff and we will see what we can do to get you underway to a better career. Hope we can see some of you there on Thursday. Thank you.

Speaker:

Good morning. On behalf of Stivers Temporary Personnel I would just like to thank the City Council for such an honor today and to our temporary work force and all the clients we work with. Without them this would not be possible. Thank you.

Ms. McDonald:

I am going to defer to Councilman Udin who has guests that are in a very tight schedule and have to leave. I have two more but I will defer to you Councilman.

Mr. Udin:

Can Ambrose, Marion and Eugene Harris please join us from the Extra Mile Foundation?

Thank you, colleagues. We all know the importance of education in our communities and the important work that community based organizations do to support education. The Extra Mile Foundation is one of those organizations. I am pleased to be able to present this proclamation to the Extra Mile Foundation today.

MR. UDIN PRESENTS:

No. 831 WHEREAS, the Extra Mile Education Foundation supports three inner-city schools, Holy Rosary in Homewood, St. Agnes in Oakland and St. Benedict the Moor in the Hill District; and

WHEREAS, these three schools provide a values-based, quality education for children in grades kindergarten through eight; and

WHEREAS, this education is provided to nearly 700 African-American children throughout the City of Pittsburgh, with more than 400 graduates since 1990; and

WHEREAS, this cause is supported by many foundations corporations and individuals throughout the area; and

WHEREAS, the Extra Mile Education Foundation is holding a special golf outing to attract other individuals and companies to support this worthy cause.

NOW THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh declares Tuesday, October 6, 1998 to be Extra Mile Day in the City of Pittsburgh.

MS. MCDONALD moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Merr: (phonetic)

Thank you, Councilmen, other members of the Council and Chairman O'Connor, I want to say it is truly an honor to be here today. We greatly appreciate this recognition for what we think is a truly outstanding cause in terms of education here in the City of Pittsburgh. We are constantly looking for ways to attract more people to know and understand us and this proclamation helps in that way. We are very, very grateful for this recognition and we wish you well.

On behalf of our Board of Directors and our volunteers and our fundraising efforts including Mr. Harris who unfortunately had to leave, I say to all of you thank you very much and thank you in particular.

Ms. McDonald:

I would like to call Dr. Hefflyn and all representatives of Gateway Medical Society and Councilman Udin. I am going to read the proclamation.

MS. MCDONALD AND MR. UDIN PRESENT:

No. 832 WHEREAS, on Saturday, October 10, 1998, the Gateway Medical Society, a component society of the National Medical Association will host an African-American health forum at the Pittsburgh Marriott City Center; and

WHEREAS, The Honorable M. Jocelyn Elders, M.D., former U.S. Surgeon General will be the guest speaker for the health forum; and

WHEREAS, Gateway Medical Society has accomplished many initiatives which include:

- Increased the number of black physicians at major Pittsburgh hospitals
- Increased the number of black medical students at the University of Pittsburgh School of Medicine
- In conjunction with the Urban League, Dr. Oswald Nickens, OB-GYN Specialist, founded the first school for pregnant teenagers in Western Pennsylvania

- Provides community outreach efforts including free health screening

WHEREAS, Gateway Medical Society continues to remain committed to serving the objectives of the National Medical Association, to promote the science and art of medicine and the betterment of public health.

NOW, THEREFORE BE IT RESOLVED, that the Council in the City of Pittsburgh recognizes and commends Gateway Medical Society for their dedication in providing excellence in health care, and educating the black community on all health related issues.

MR. HERTZBERG moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

Ms. McDonald:

I will look forward to being in attendance, this Saturday. I don't know how I am going to do a parade and this, but I will figure it out at another time. I look forward to that. I congratulate you on your efforts. A lot of people do not know about Gateway Medical Society. A lot of people ask me who are the black physicians, and now we know.

Now we know that there is a consortium of them and Dr. Hefflyn is the President of this. So without further ado, I would like to ask for Councilman Udin for comments and then Dr. Hefflyn, Betty, anyone?

Mr. Udin:

The Gateway Medical Society has a long and proud history in serving the general public of Pittsburgh, but in particularly the African American community. I can't begin to name all the important activities that they have done in taking up the banner of assuring health care for African Americans in the poor and the indigent. I just want to congratulate all of you in the important work that you are doing. Thank you for coming.

Dr. Hefflyn:

I want to thank the Council lady and men and President O'Connor for having us here today. This is quite an honor. As I said Dr. Oswald Nickens started our chapter which is chapter of the (inaudible). The (inaudible) originated because of African Americans were not allowed in the AMA, but now we have a pretty strong chapter. This is our fourth annual health forum currently.

In trying to get this forum started I tried to think of someone who had an impact on African Americans as well as infant mortality. Dr. Jocelyn Elders name came to mind and you know she was the first African American Surgeon General which sort of went down the drain after she started talking truism and talking about adolescent sexuality. So she has been invited thanks to Betty giving me her number and I talked to her directly.

But our emphasis right now is on infant mortality and Pittsburgh used to have one of the highest in the United States, which I don't think it is now. But she will have more statistics on that.

Also, not only is she going to speak but we are going to speak to other things such as hypertension in which the African Americans had then, had a disproportionate number. In the recent New England Journal the mortality for cardiovascular disease the trend is down for men and women, 28 percent for men and 31 percent for females, but for African American females the incidence of first biocardioinfarction is up 7.4%.

So we have a lot of work to do and we are looking forward to this forum, to giving information to those who come to commit exchange of what we can do to reduce the mortality of men and women. Thanks again.

Ms. McDonald:

We have one to be read into the record for Dr. Jocelyn Elders and we have a resolution for the University of Pittsburgh. Would all representatives of the University of Pittsburgh please come forward? We have with us Dr. John Wilds who is the Director of Government Relations.

MR O'CONNOR AND ALL MEMBERS OF COUNCIL PRESENT:

No. 833 WHEREAS, one-hundred years ago on this date, October 1, 1898, the Hotel Schenley opened its doors as Pittsburgh's premier hotel; and,

WHEREAS, the hotel has hosted world leaders including Theodore Roosevelt, Franklin D. Roosevelt, William Howard Taft, Woodrow Wilson, Dwight Eisenhower, and baseball Hall of Famers, Ty Cobb, Walter Johnson, Babe Ruth, Lou Gehrig, Rogers Hornsby and others as well

as the renowned singer and actress Lillian Russell; and,

WHEREAS, in July of 1954, the hotel was renamed the Schenley Park Hotel to reflect its proximity to Schenley Park; and,

WHEREAS, The University of Pittsburgh purchased the hotel on June 30, 1956, and renamed it Schenley Hall and it became the University of Pittsburgh Student Union; and,

WHEREAS, . On September 7, 1983, it was officially dedicated as the William Pitt Union following an extensive renovation and restoration program and it continues as a vital part of the University of Pittsburgh community and as an integral part of the Pittsburgh Civic Center.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby extend to the University of Pittsburgh its congratulations as they celebrate the one-hundredth anniversary of the William Pitt Union; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh encourages all citizens of the City of Pittsburgh to join in the celebration of this historic event and proclaims October 1, 1998, as, "William Pitt Union Day" in the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

Ms. McDonald:

I have quite an infinity for the Pitt Union. It was the student union when I was there in the '70's. It was a place where there was at least one little room in the corner, which is no longer a room in the corner, of peace and tranquility to study. Everyone was just lying all over the place. I was just trying to get through it you know. But my congratulations as an alumnus of the University of Pittsburgh and Council President O'Connor had drafted this resolution.

Mr. O'Connor:

Again, congratulations, thank you for restoring this. It's such a beautiful building. If you haven't been there you owe it to yourself to go and see what you have done there. The activity with the students and the classes, it is a marvelous building. I congratulate Pitt on keeping it and keeping Bigelow open and all the nice things you're doing there.

Mr. Wilds:

I would like to thank Council on behalf of the faculty, students and staff of the university. I must say that last Thursday, October 1, was significant in terms of the celebration of the Centennial of this hotel. The restoration project restored the hotel beyond anyone's imagine. We had a magnificent turnout. We had students dressed in costumes of the period. We had automobiles in the driveway reflecting the period. We had a lot of citizens from Oakland who were old enough to remember the Hotel Schenley who participated in the festivities.

On behalf of the university, I

would like to thank you very much for this proclamation.

Mr. Onorato:

This is Councilman Udin's too please. We have Dayton Baker, Executive Director of the Aviary coming forward, and I have a list of individuals here. David Lowe a teacher over there, Patty Rambasic (phonetic) Director of Development, and Rachel Moore, Director of Marketing.

I am going to read this proclamation in a few seconds but I want to point out to the people in the audience and the people listening the Aviary as you know has come along way from the days of when it was scheduled to be closed in '92 to where it is now. If you see it and if you get an opportunity to go over and see it just how it has been cleaned up and the expansion, and the addition and the future phases that they're planning on doing. Dayton Baker and his staff have done a great job over there in making that a world class facility.

This proclamation is in recognition of the designation of the National Aviary. I can tell you the National Aviary we do not get federal funding but it is more than just a name. They have really brought this Aviary into the 90's and getting ready for the next century as a modern facility. I will read the proclamation and we will hear from some of the individuals and from Councilman Udin.

MR. ONORATO AND ALL COUNCIL MEMBERS PRESENT:

No. 834 WHEREAS, the National Aviary in Pittsburgh was one of the nation's first facilities dedicated solely to

the exhibition of birds and since opening in 1952 as a family recreational facility, the National Aviary has evolved into advocating the principals of education, conservation and recreation; and,

WHEREAS, the National Aviary offers nearly twenty educational forums for both children and adults, including the programs "Beginning Bird Watching", "Junior Naturalists", and the award winning "Little Bird Festival" for pre-schoolers; and,

WHEREAS, in addition to its educational programs, the National Aviary is actively involved in conservation programs, such as the Species Survival Plan and participates in the preservation of many species of birds.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize the National Aviary as a local treasure and congratulates them for their outstanding service and dedication; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh in recognition of the National Aviary's efforts declares October 3rd as, "National Aviary Day" in the City of Pittsburgh.

MS. MCDONALD moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Onorato:

Dayton, I would like to hand this

over to you and I am going to ask Councilman Udin to say a few words, then we will hear from Dayton. But also, just let me say that if anyone has any doubts about where some of your Regional Asset District dollars go this is one of the Regional Asset District facilities. It is actually on the lower end of receiving money when you compare the other assets that sit within the City of Pittsburgh. But I will use this any day of the week to give an example of why the Regional Asset District does work. From what it looks like today to what it looked like before the Regional Asset District, this is definitely a treasure in the city that was worth preserving.

Mr. Udin:

I want to congratulate the National Aviary and emphasize for Pittsburghers who may not be aware that this is a national facility located in Pittsburgh. It's one of several cultural facilities. When we think of the cultural districts sometimes our thinking is limited to downtown. But there are cultural facilities in many parts of Pittsburgh. The North Side is rich with cultural facilities and the Aviary and the National Aviary is one those important cultural facilities. As we develop plans toward Plan B we all want to make sure that the building of the stadiums and the Convention Center and other cultural amenities include and make sure that visitors are able to get back and forth easily to the National Aviary and the other cultural facilities that exist on the North Side.

So the cultural district is much larger than downtown. It expands at least to the North Shore and Inner North Side as well. Thank you very much for bringing

the Aviary to national providence.

Mr. Baker:

This is a wonderful tribute to the Aviary and the staff and volunteers that have made this transformation a real success. Those of you that were on Council in '91 when the Aviary almost closed know the struggle that went on. We came a long, long way since then.

Just to give you an example, our attendance in 1993 was 66,000, today it's 106,000 and growing. In '93 we had ten employees, today we have 40, many from the North Side and the city. We have the new national designation that happened in 1993 and it really does make a difference when we go out and do work not only regionally but nationally and internationally. People recognize Pittsburgh as having the National Aviary just like they recognize Baltimore as having the National Aquarium and Washington, DC having the National Zoo.

So it does make, I think, a great statement on Pittsburgh's image. We look forward to a bright future. We have really renovated the facility over the last several years, to where when you come to the Aviary if you haven't been there in the last two or three years it will be a remarkable sight to you.

Our programming has increased tremendously. We are currently working on a program that will go out, an out reach program, that David is probably in charge of at this point. It will take Rafter's, which are the hawks and eagles and owls probably we will be taking it to the tri-state area not just the City of Pittsburgh promoting the city and the Aviary. We

estimate that we will reach over 500,000 people with this program once it's up and running. So we are doing a lot of great things. We thank you.

This is also a tribute to the City Council those of you that were here when the owl showed up that day. I don't know if you remember that, Eggward. That was the turning point of the Aviary when it had been neglected for a little while because of shortness of funds. The privatization and the Regional Asset District at this point with the partnership with the city and many, many other people and groups has made it a true success story for Pittsburgh. Thank you.

Mr. Onorato:

Dayton Baker. We have to give your name for the record. Does someone else want to say something? Just give your name.

Ms. Rambasac:

Patricia Rambasac, known as Patty, Director of Development. I would like to add also in addition to the RAD funds, we are also thankful to the very generous support of Pittsburgh foundations and our generous donors. We believe that we are polishing a Pittsburgh jewel. By next spring we will have renovated all of our exhibits and we welcome you to visit any time. Thank you.

Mr. Ferlo:

I do want to add. I visited the Aviary recently and obviously you do a lot of great work particularly for each area. A lot of the design and the esthetics of the

building both inside and outside that you have tried to maintain. I don't understand why we can't get some federal support in light of the indication now that many --

Mr. Baker:

That is an excellent question.

Mr. Ferlo:

Why can't we do something to lobby --

Mr. Baker:

You have to look at the history and we actually intend to seek federal support. We modeled our legislation in Congress after the National Aquarium in Baltimore's legislation, which did not include any federal funding because we felt that was the best way to go about getting that passed. But we feel very strongly that as we grow we will be seeking federal funding for programming especially through the next several years. In fact, Patty will help us do that.

Mr. Ferlo:

I would just ask that if there is anything we can do to Congressman Coyne or State US Senator delegation --

Mr. Baker:

There will be.

Mr. Ferlo:

Let us know how we can be involved.

Mr. Baker:

I would guess we are within the next year or so of making that effort.

MR. ONORATO PRESENTED:

No. 835 WHEREAS, the East Allegheny Community Council is celebrating the 20th Anniversary of its community-based organization; and

WHEREAS, the EACC has been making a difference in the East Allegheny Community during those 2 decades through the involvement and dedication of its members; and

WHEREAS, the EACC lists among its numerous accomplishments the placing of the East Allegheny neighborhood on the National Register of Historic Places as "The Deutschtown Historic District" in 1983; and

WHEREAS, EACC has initiated creative solutions to community problems such as the Residential Sticker Parking Program, committed itself to community youth by raising funds, organizing and hosting the annual Pumpkinfest, Easter Egg Hunts and holiday food distribution; and

WHEREAS, EACC has established a twice a month (May-October) flea markets in East Park; and

WHEREAS, EACC is best known for its preservation of historic buildings such as the St. Mary's Church which was transformed into "The Grand Hall" and "The Priory-A City Inn", the Latimer Jr. High School which now exists as the 77 luxury apartments known as "The School House", and the designation of Cedar Avenue and Avery and Lockhart and

Pressley Streets as City Historic Districts; and

WHEREAS, EACC is committed to the purchase and restoration of homes in the neighborhood and has accomplished development projects such as the "404 Cedar Condominium", use of the Hollander Building at 415 East Ohio Street, construction of 6 units of infill housing on Avery Street and rescuing the grand house located at 810 Cedar Avenue from demolition by turning it into a Sustainable Technology Demonstration House.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates the officers and members of the East Allegheny Community Council on 20 years of existence and thanks them for their tireless efforts to make the East Allegheny neighborhood a wonderful place to live in Pittsburgh.

MS. MCDONALD moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Sadie Kreck. There are two left. Sadie, thank you very much for your patience and all your hard work that LIHEAP does. Before I read the proclamation and request help from our Congressman and I have already received a letter just yesterday. I would like to present it to you that Congressman Coyne agrees with you and he is fighting very

hard to keep the funding in place.

MR. O'CONNOR AND ALL COUNCIL MEMBERS PRESENT:

No. 836 WHEREAS, many low income Americans do not have sufficient income to pay for the basic necessities of life and are experiencing a crisis in paying home energy bills, thereby contributing to a health and safety crisis which is a national, not a local crisis; and,

WHEREAS, Low income families, the elderly and many working poor Americans face a continuing energy crisis with energy burdens that exceed 15% of their household income; and,

WHEREAS, Low Income Home Energy Assistance Program (LIHEAP) is a vital lifeline to low income families, working poor households, senior citizens, and persons with disabilities in meeting their energy needs; and,

WHEREAS, LIHEAP is a targeted block grant program, which provides utilities flexibility in Federal-State partnerships, and is the foundation for many programs authorized by State Public Utility Commissions and many gas and electric companies and community service organizations, which assist low-income customers in meeting their bill payment obligations to prevent service termination; and

WHEREAS, LIHEAP also helps to keep working poor households self-sustainable, assist households in making the transitions from public assistance; weatherize homes; and repairing defective heating equipment thereby reducing usage; and,

WHEREAS, the Council of the City of Pittsburgh supports the reauthorization of the LIHEAP program at authorization levels enacted in the Human Services Amendment of 1994, P.L. 103-252, to ensure that this program more adequately meets the needs of low-income households.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh memorialize the Congress of the United States to appropriate the funds necessary for fiscal year 1999-2000 and advance appropriations for fiscal year 2000-2001 for LIHEAP; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh memorialize the Congress of the United States to reauthorize the LIHEAP program at authorization levels enacted in the Human Services Amendments of 1994 to ensure that the program more adequately meets the needs of low-income households; and,

MS. MCDONALD moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Sadie, do you want to explain a little about where we are?

Ms. Kreck:

Thank you very much. On behalf of the -- My name is Sadie John Kreck, Manager of Customer Programs at Peoples

Gas. On behalf of the utilities we very much appreciate your support and endorsement and endorsement for the Federal LIHEAP Program.

Right now the LIHEAP Program has received appropriations from the Senate, U.S. Senate. The House has, I guess, taken it to committee. It was an advanced appropriation where they had advanced it for this year, now they're re-looking at it. So it's kind of in limbo which is why it is very very important that we have your support for this program to help customers who are on low income, fixed income and who have special needs. Thank you.

The Chair:

We are honored to have members of the Silent Witness Program, Susan Tanzer, Lynnette Lederman, Ruth Garfunkel, Lynne Jacobson and from the Junior League Mary Kay Coleman. Thank you very much for your patience, not only your hard work. I will read the resolution and ask you to say a few words. I have worked on many projects with the Junior League you really do an out standing job.

MR. O'CONNOR PRESENTS:

No. 837 WHEREAS, the Junior League of Pittsburgh and the National Council of Jewish Women, Pittsburgh Section collaborated to form the Western Pennsylvania Silent Witness Initiative, in 1990, a multifaceted project with the goal to create an increased awareness of the tragedy of domestic violence in this region; and,

WHEREAS, the national goal of the Silent Witness Initiative is to eliminate

domestic violence by the year 2010 by honoring the following objectives:

- To honor and remember the women who were murdered by acts of domestic violence,
- To raise the awareness in our own communities of the extent of domestic violence,
- To help people connect with local resources for ending domestic violence in their lives,
- To encourage community and legislative action to end the violence in our society, improve laws to protect women and children and provide better enforcement of those laws,
- To bring the message of domestic violence prevention to schools, churches and synagogues; and,

WHEREAS, the National Council of Jewish Women, Pittsburgh Section, and the Junior League of Pittsburgh are convening the Silent Witness Summit, which will focus on improving current legislation and enforcement to end domestic violence on Thursday, October 29th; and,

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby support the Silent Witness Program for its dedication and commitment to solving domestic violence; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh in recognition of the Domestic Violence Awareness Month does hereby declare October "Domestic Violence Awareness Month" in the City of Pittsburgh.

MR. COHEN moved to adopt the resolution.

MS. MCDONALD seconded the motion.

Which motion prevailed.

Ms. Tanzer:

Thank you very much to City Council and Bob. I am Susan Tanzer. I am one of the co-chairs of the Silent Witness Initiative representing the National Council of Jewish Women. This collaboration with the Junior League has been wonderful because we have joined our forces to really make heighten awareness and try to stop the violence that is happening in a lot of women's lives.

Last year you may remember in October we had on display our traveling exhibit of the silent witnesses. Each statue, the red silhouettes, told the story of one woman's life who had died at the hands of domestic violence. We would like to see that end and we need it through legislation, education, support of getting the message out that this has to stop. I think that is it. Thank you.

Ms. Lederman:

I am Lynette Lederman, Vice President of Community Service for National Council of Jewish Women. We would like Council to know that not only do we have the Silent Witness Initiative in the community service department, but we are the sponsors of the children's waiting room in Family Division and in Juvenile Court. We run Race For The Cure and we are really out there in the community.

We want Council members to be

aware that these efforts and initiatives are all supported by our own fundraising projects. The main project is coming up October 24th, 25th and 26th, and that is Designer Days at the Convention Center. We would like you all to be our guests and to come and shop. Thank you.

Ms. Coleman:

My name is Mary Kay Coleman and I am the Junior League Representative here today. I just wanted to let you know that our Silent Witness Exhibit is available to be shown at various community locations. If you would like to schedule the Silent Witness Exhibit or if you know of anybody who would be interested in doing so, please feel free to contact me at 338-4718 and thank you for having us here today.

The Chair:

I know Councilman Cohen has been very active in this project from Silent Witness part.

Mr. Cohen:

Thank you. I really just want to take a moment and thank the National Council of Jewish Women and the Junior League for this very very powerful program. When we had the silhouettes in the City Council at this building last year it was perhaps the most compelling exhibit that I have ever seen in this building.

It's still a serious problem, we have come a long way certainly in terms of police response, in terms of Counseling agencies, etc; we have a long way to go. I just want to thank both of you, both organizations for raising public awareness

because that's certainly the first step towards actually changing laws and changing practices. Hopefully changing the mentality of men who commit these kinds of crimes. I thank you very much for doing this and thanks for your patience this morning.

The Chair:

I would like to turn the gavel over to President Pro Tem McDonald. We have a national conference in Pittsburgh, Energy Conference on Natural Gas and the secretary of energy is here in our office. If you remember we did a lot of the unbundling here to give us choice. I would like to attend the final part of the meeting with him. So I would like to turn the gavel over to Ms. McDonald.

(Ms. McDonald took over the meeting as President Pro Tem)

The Chair:

We have a few more resolutions to be read into the record.

MS. MCDONALD AND MR. UDIN PRESENT:

No. 838 WHEREAS, the Honorable M. Jocelyn Elders, M.D., former U. S. Surgeon General, will be the guest speaker for a health forum hosted by the Gateway Medical Society on Saturday, October 10, 1998 at the Pittsburgh Marriott City Center; and

WHEREAS, Dr. M. Jocelyn Elders, was the first African-American and second woman to hold the position of United States Surgeon General; and

WHEREAS, Dr. Elders has a deep concern and commitment for the welfare of our children. While in office Dr. Elders initiated programs to combat youth smoking, teen pregnancy, and increase childhood immunizations; and

WHEREAS, as a pediatric endocrinologist, Dr. Elders, believes that violence, sexually transmitted disease, poverty and substance abuse are the biggest threats to the health and wellness of our children; and

WHEREAS, Dr. Elders advocates public health over private profits, health care reform, openness over censorship in sex education, and rehabilitation over incarceration in the war against drugs; and

NOW, THEREFORE, BE IT RESOLVED, that the Council in the City of Pittsburgh recognizes and commends the Honorable M. Jocelyn Elders, M.D. for her dedicated commitment in lobbying for the health care needs of the young, the poor, and the powerless.

BE IT FURTHER RESOLVED, that the Council in the City of Pittsburgh declares Saturday, October 10, 1998 as "Dr. M. Jocelyn Elders Day" in the City of Pittsburgh

MR. RICCIARDI PRESENTS:

No. 839 Whereas, Charles Gilbert Fallert passed his Eagle Board of Review for the Boy Scouts of America on July 9, 1998; and,

Whereas, Charles will be presented the rank of Eagle Scout on October 3, 1998; and,

Whereas, to qualify for this great honor, Charles earned twenty-one merit badges and participated in such projects as a clothing drive for the people of the Cattaraugus Reservation in New York and painting the church that sponsors his Boy Scout Troop. His Eagle Project involved fingerprints and photographs for the local youth at a community festival; and,

Whereas, Charles was a good student and participated in High School activities including vice president of Students Against Drunk Driving and a member of the Senior Class Committee. He is active in his church and currently attends ICM School of Business and Medical Careers working toward an Associate Degree in Business Management; and,

Now, therefore, be it resolved that the Council of the City of Pittsburgh congratulates Charles Gilbert Fallert on attaining the rank of Eagle Scout and declares Saturday, October 3, 1998, Charles Gilbert Fallert Day in the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolutions.

MR. FERLO seconded the motion.

Which motion prevailed.

The Chair:

Moving to presentations of papers.

MR. DIVEN PRESENTED:

No. 840 Communication from Kathleen M. Kraus, Public Safety Acting

Director, requesting approval for Steve Dearwater, to attend the " Technical Assistance Workshop for Problem Solving Partnership Grantees", in Boston, from July 13-15, 1998. Steve Dearwater is a civilian working in partnership with the City of Pittsburgh as part of the AGH Problem Solving Partnership Grant. The cost of this trip will not exceed \$1,785.78, chargeable and payable from Fund 2465, Subclass 600, Org. No. 230000, Account 581120 and Budget Year 1998.

Which was read and referred to the Committee on Public Safety Services.

MR. FERLO PRESENTED:

No. 841 Resolution Authorizing and Directing the Mayor, Solicitor, Director of Finance and the Budget, and the Director of General Services to cease and desist in any and all of their actions which in any way contribute to the administration's attempt to outsource or privatize the City of Pittsburgh's municipal waste, garbage and recycling collection process. (SPONSORED BY **MR. FERLO**)

Which was read and referred to the Committee on Public Works, Water and Environmental Services.

MR. FERLO moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Also,

No. 842 Resolution Providing for the issuance of a warrant in favor of Sydlin, Inc. in the amount of \$3,090.00 for the furnishing and installation of Solargard Silver 80HC window film product on the 4th floor of the Public Safety Building; and providing for the payment of the cost thereof, chargeable to and payable from Account 600000, Fund 5100, Org 301000, Sub-Class PGHPR, Project/Grant 2227002, Budget Year 1998.

No. 843 Resolution Providing for the issuance of a warrant in favor of the U.S. Nuclear Regulatory Commission, License Fee and Debt Collection Branch, in the amount of \$1,700.00 in payment of the Annual Materials Fee Invoice; and providing for the payment of the cost thereof, chargeable to Account 525500, Fund 5100, Org 301000, Sub-Class 350, Project/Grant 2250002, Budget Year 1998.

Which were read and referred to the Committee on Finance and Budget.

MR. ONORATO PRESENTED:

No. 844 Authorizing and directing the Mayor, the Council of the City of Pittsburgh, the Directors of the Departments of Public Works and Engineering and Construction to provide various services in support of Soldiers and Sailors Memorial Hall in relation to their Regional Asset District (RAD) Funding status.

Which was read and referred to the Committee on Housing, Economic Development and Promotion.

MR. ONORATO moved to suspend Rule

8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. UDIN seconded the motion.

Which motion prevailed.

MR. UDIN PRESENTED:

No. 845 Resolution of the Council of the City of Pittsburgh, Allegheny County, Pennsylvania, supporting and approving the Application for Nomination as an Empowerment Zone prepared in conjunction with the cities of Duquesne & McKeesport, the Boroughs of Homestead, Rankin and West Homestead, Allegheny County, et al.

MR. UDIN moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. FERLO seconded the motion.

Which motion prevailed.

Also,

No. 846 Resolution Authorizing the City of Pittsburgh to enter into a cooperation agreement with the Public Auditorium Authority of Pittsburgh for the establishment of a trust fund and the deposit therein of earned income tax paid by nonresident professional athletes and other nonresidents who use government owned sports facilities.

Which were read and referred to the Committee on Finance and Budget.

Mr. Ferlo:

Discussion on that bill now that I have my baseball bat out. I just want to, for the record, raise a procedural objection. I introduced a week ago and Council approved a resolution seeking to determine what if any are appropriate earned income taxes and other obligations that might be appropriate by professional sports players. I assumed that we would wait to see what the result of that is even though we have a legal opinion saying that Council and/or the Treasurer can promulgate guidelines to collect this tax.

I just want to raise a procedural objection, because I know I am going to be in court on this issue. I want to at least have it on the record that I think it is inappropriate and premature for this resolution to be introduced without first determining that indeed there will be a players tax, which legally from my reading would have to be first discussed and reviewed and have citizen input at a formal Public Hearing.

So procedurally I am just going on record and objecting to the introduction of this resolution as being inappropriate and ill timed and ill advised until such time as other issues have been decided by this body.

The Chair:

Any more discussion on the introduction? I don't think we can stop it but we can hold it when it comes for discussion. Any other discussion on the introduction of the bill? If not, we have

completed our presentation of papers.

We will move to unfinished business. Is there any unfinished business to be brought before Council?

If not we will dispense of Committee Chair Reports for this meeting, I think we have milked these resolutions and proclamations to the best of our ability. It is a marathon, I think it is a historical moment. We will now move to reports from standing committees.

REPORTS OF COMMITTEES

MR. UDIN PRESENTED:

Bill No. 847:

Report of the Committee on Finance and Budget for September 29, 1998, transmitting sundry of resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 792:

Resolution providing for the issuance of a warrant in favor of the New York Times in the amount of \$2,051.70 for payment of advertising costs for advertisements of July 31, 1998, Request for Proposal (RFP) to provide Group Vision Plan services, chargeable to and payable from Account 521300, Fund 1000, Sub-Class 150 and Organization Code 109350 (109000).

Which was read.

Also,

Bill No. 793:

Resolution authorizing the Mayor and the Director of Finance on behalf of the City to exchange a City owned parcel 35-J-157, 20th Ward, for an equal amount of private property, part of 35-J-158, 20th Ward. Both parcels being on Cagwin Street. District 4.

Which was read.

Also,

Bill No. 769:

Resolution transferring the amount of \$3,739,570 from various accounts citywide to the Transfer Suspense Account, Fund 1000, Organization 999800, Sub Class 150, Budget Year 1998, Account 525500 in order to make future transfers to various accounts where shortfalls exist.

Which was read.

The Chair:

You have heard the reading and the title of the bills, any discussion on the bills? If not bills are now ready for final action. All in favor of the passage of the bills vote aye when their names are called. All opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen
Mr. Onorato

Mr. Hertzberg
Mr. Ricciardi

Mr. Udin

Ms. McDonald
(Pres't Pro Tem)

(Mr. Ferlo voted no on 769)

MR. HERTZBERG PRESENTED:

Bill No. 848:

Report of the Committee on Public Works, Water, and Environmental Services, for September 29, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 788:

Resolution granting unto Gil Sokol, Luna Bar, 304 N. Craig Street, Pittsburgh, PA 15213, his successors, and assigns, an encroachment to construct, maintain and use at his own cost and expense, a handicapped ramp in front of 304 N. Craig Street, Pittsburgh, PA 15213 in the 5th Ward, 6th Council District, City of Pittsburgh.

Which was read.

Also,

Bill No. 807:

Resolution Granting unto John Baranowski, 800 Perry Highway, Pittsburgh, PA 15229, his successors, and assigns, an encroachment to construct, maintain and use at his own cost and expense, the use of Chancery Lane in the 1st Ward, 6th Council District, City of Pittsburgh.

Which was read.

Also,

Bill No. 810:

Resolution Vacating Advordton Street as part of the Broadhead Manor Demolition Plan, 28th Ward, 2nd Council District, City of Pittsburgh.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Cohen:

Thank you. I would like to move to recommit Bill 788, which is an encroachment for the Luna Bar. I wanted to check with some residents around the Luna Bar before we approve this with Council's indulgence.

MR. UDIN seconded the motion.

Which motion prevailed.

The Chair:

Any further discussion on the remaining bills? Bills are now ready for final action. All in favor of the passage of the bills vote aye when names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen
Mr. Onorato
Mr. Udin

Mr. Hertzberg
Mr. Ricciardi
Ms. McDonald
(Pres't Pro Tem)

(Mr. Ferlo voted no on Bill 807)

Bills have received the legally required number of votes and are passed finally.

MS. MCDONALD PRESENTED:

Bill No. 849:

Report of the Committee on Parks, Recreation and Youth Policy for September 29, 1998, transmitting one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 789:

Resolution further amending Resolution No. 1376, effective 12-14-93, amended by Resolution No. 844, effective 11-4-94, amended by Resolution 935, effective 12-7-94, entitled " Resolution providing for an Agreement (s) and Contract (s), with Consultant (s) and Vendor (s) for various expenses in connection with the Pittsburgh Advocacy Commission on Youth," by reducing the authorized amount by \$7,620.00 from \$125,001.00 to \$117,381.00, and by converting the old index code numbers to reflect the current People Soft chartfield: Account 600000, Fund 2610, Organization 500000, Subclass C1993, Project Grant 2248987, Budget Year 1997.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bill? Bill is ready for final action. All in favor of the passage of the bill vote aye when names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Ms. McDonald
	(Pres't Pro Tem)

AYES **Eight** **NOES** **None**

Bills have received the legally required number of votes and are passed finally.

The Chair:

That completes our Reports of Standing Committees. We now move to motions and resolutions.

MOTIONS AND RESOLUTIONS

The Chair has some announcements. There is a request to cable cast a Public Hearing of Thursday, October 15 at ten a.m. It is a petition from residents asking for a Public Hearing on downtown's bus service. Can I have a motion to cable cast the Public Hearing?

MR. HERTZBERG moved to adopt.

MR. FERLO seconded the motion.

Which motion prevailed.

The Chair:

Next, a reminder at ten o'clock a.m. the Mayor will present his 1998 draft capital budget and the six year development plan in Council Chambers. Council members are requested to attend. Lastly there will be a Public Hearing today at 2:00 p.m. on TIFF's for the Center Triangle and Broadhead Fording projects. Are there any other motions and resolutions?

Mr. Ferlo:

Just very quickly this coming Thursday evening at 7:00 p.m. at Vintage in their community dining hall there is a public meeting for residents and park enthusiasts who have been concerned and have participated in the planning process regarding the controversial reservoir, Highland One covering issue.

I am pleased thanks to Councilman Ricciardi, the Mayor, the administration and others on the Pittsburgh Water and Sewer Authority Board and staff and consultants, I think they have been very sensitive to the concerns raised by the community.

There will be two proposals talked about. One involves the construction of a micro filtration plant possibly located at the Flynn Parklet, which I have raised objections to. And a counter proposal for a secondary location at, a closer location near the reservoir within the park itself and

what I would consider a very sensitive consideration to the park land itself.

So that meeting is this Thursday, October 8th, at 7 p.m. at Vintage.

Mr. Diven:

I would like to make a motion to schedule a televised Post Agenda meeting for next week with the Firefighters Union Executive Board. I don't know if any of you had seen the article in the paper today they wanted the opportunity to come in and present the information in regards to ways that they can save the city money.

The Chair:

This will be a Post Agenda not a Public Hearing?

Mr. Diven:

Post Agenda.

The Chair:

Has it been scheduled yet?

Mr. Diven:

No, that is why I am making a motion.

The Chair:

Motion to schedule a televised Post Agenda.

MR. ONORATO seconded the motion.

Mr. Cohen:

I would ask that we have the

appropriate members of the administration there as well. Deputy Mayor Sal Sirabella, certainly invite the chiefs. I appreciate it.

The Chair:

Will the City Clerk please communicate and coordinate.

Mr. Ferlo:

I am very pleased at least from what I read in the newspapers. I don't have any formal memo from President King from the Firefighters, but on the surface, I am very pleased and thankful to the firefighters even discussing and take into consideration the city's financial picture and coming up with some proposal.

On a procedural level I want to at least object to the meeting. Only to the extent that I believe if something good is going to come out of it and I hope something good does come out of it, I would prefer that pursuant to collective bargaining, the administration, which is legally obligated to deal with this issue, deal with it forthright based on the firefighters making a formal request.

I think it is somewhat inappropriate to have a meeting kind of intervening in that process. I want to at the same time I want to indicate my appreciation to the firefighters union. I would hope that rather than, I mean I am concerned about the timing. I think it would be good if the administration would meet and get back to us on what their response is given the fact that the firefighters have made a formal request or offer to the administration pursuant to the collective bargaining agreement.

Secondly, I would hope that maybe as part of the budget deliberations, which I think would be more appropriate, which is a televised meeting that at that meeting as we have in the past we have always extended an invitation to the union to come to the table and also obviously the administration.

So, I am going to just respectfully abstain only because I think it is going to be counterproductive to actually getting to the point where maybe the administration would consider the acceptance or some proper response to the firefighters offer. I am worried that if we do that, I am not convinced that that is the right timing right now to intervene in the process. But I will defer to convene in the process.

Mr. Diven:

In response to that, this was a request that was made by the firefighters union to hold the Post Agenda Hearing and it was for an informative purpose.

I met with the members of the executive board several months ago and asked them if there was any way they could help save the city money and they put a lot of time and effort. I think what they want to do is make sure that Council is aware of exactly instead of hearing it in sound bytes or hearing piece mail or hearing it second hand. They wanted the opportunity to come in and make a presentation and just show all the information that they have worked on.

It is not going to be anything that is going to be crossing the line into the collective bargaining. They want to present the information and show Council what they have worked on. I have seen the

numbers. I have had the opportunity to meet with them and with our former Budget Director Kurt Salac and they look legitimate.

I think it was a great step for them to step up and make the offer to at least be willing to look at ways that they can save the city money. They didn't have to do it, they chose to do it and giving them the opportunity to present their information to Council the full picture instead of sound bytes and the news. I think it is a courtesy that we should extend for all the time and the effort that they have put into putting this proposal together.

Mr. Cohen:

With all do respect to Councilman Diven, who I think actually is doing a great job as Public Safety Chair, but I happen to disagree with him on this point. My understanding of the firefighters' position is that it is not just a unilateral offer it is also a demand accompanied with that offer.

When you get into issues of offers and demands you get into collective bargaining negotiations. I think that for City Council to step into the middle of the collective bargaining discussions a year before the expiration of the firefighter contract would be misguided. I know that Councilman Diven says it would really just be a presentation by the firefighters but you can't have a one sided presentation when it comes to collective bargaining.

It is not from what I understand and I certainly stand ready to be corrected but from what I hear it is not simply an offer. It is also a demand. That demand being the additional two years. Adding

two years to the current contract which expires on December 31, 1999 that require negotiation.

I happen to agree with Councilman Ferlo on this point. If we were to have a Post Agenda Meeting on this and we would be stepping into the middle of collective bargaining negotiations. I don't think that's the proper role of this Council.

Mr. Hertzberg:

Thank you. I can't really interpret what I have seen on this issue as a demand by the firefighters. I guess it's all how you look at things. But under their collective bargaining agreement, which is enforced through the end of 1999, next year they would be entitled to a 6.18 percent pay increase and their demand is that they will make that zero next year.

Mr. Cohen:

And add two years.

Mr. Hertzberg:

That's what their proposal is. I agree. But I want to thank the firefighters and commend them for looking at trying to work on something that makes some sense and helps us out a little bit at trying to arrive at balanced budget for 1999. I am more than happy to accept their offer to come in and make a presentation to City Council. I don't think we are going to be getting in the middle of any collective bargaining here since there isn't going to be any formal collective bargaining until near the expiration of their contract next year.

This is kind of an offer by them to

try to do something different and unique with their contract and in recognizing the situation that the city is in financially. I am fully in support of hearing from them next week and hearing from the administration as well and letting them work it out as well. I think they also have a meeting, a closed-door session, that will probably occur before the meeting that Councilman Diven is calling for.

Mr. Ferlo:

Again, I want to restate my appreciation of the firefighters union. I think at the appropriate time we should have them at the table. I think it should be in the context of the annual budget deliberations on the operating budget. I also think it is unfair to other groups of workers and other service providers that are part of the city budget. Because in a way this is kind of an end run around their ability to articulate to Council early on what their concerns are about prioritization of city spending.

Needless to say, I am concerned obviously in my earlier resolution being submitted about the environmental service workers. So I think it's unfair because if you are agreeing that it's not collective bargaining it is not that forum and then you are agreeing that basically it is a forum to discuss our overall budget and our prioritization of city services. Then I would ask that other unions representing the city work force in other sectors of the operating budget also be up for discussion because really what we are talking about is a prioritization about spending and priorities. That is my concern.

The Chair:

Any other discussion?

The motion on the floor is to schedule a Post Agenda and cable cast it next week. All those in favor vote aye, those opposed vote no.

Will the clerk please call the roll?

Mr. Ricciardi:

Point of order, in fairness to the sponsor of the resolution and Councilman Ferlo is correct that Councilman Diven can schedule a Post Agenda on his own really. The resolution of vote today should be to televise it. That should be it, to televise it. Mr. Diven can schedule it with or without our approval. So I would just like to make that clear. We really are voting just to televise it or not.

The Chair:

Thank you for that point of order, Councilman Ricciardi.

Mr. Cohen:

Another point of order. I am not convinced that that is absolutely the case. With all do respect to my colleagues, my understanding and again it maybe wrong, I think we need an opinion on this is that for Council to hold a Post Agenda meeting like any other meeting, we would have to have Council members, the majority of this Council, believe that such a meeting is appropriate.

Mr. Ferlo:

Point of order. I think we are mixing apples and oranges together. Any colleague on the Council rules, and

Council can convene any Post Agenda meeting on any issue even if it has nothing to do with city government. That is a long standing procedure embodied in Council's rules.

The only issue is that also by Council's rules in order to cable cast a meeting you technically are supposed to have a majority vote of five and technically five are actually supposed to be there both at the convening and during the duration of the hearing which unfortunately during the last couple of years has not been abided by. But in the interest of democracy, I am going to -- if the vote is the issue of cable casting, I am going to vote yes. Only because I believe Councilman Diven has a right to convene a Post Agenda meeting.

To the extent that it is a public meeting as I have stated. Even though I am upset at my colleagues for not letting us televise the Civilian Review Board meeting that we had when we had guests here from our sister city Philadelphia, I will be the bigger man than some of you guys were at the time. I will vote in the interest of the public's right to know.

So on that issue I am voting aye. I just wanted to state why I object procedurally to the meeting at this time for the reasons stated.

The Chair:

That's why your title is President Emeritus. The motion on the floor is to cable cast a Post Agenda for firefighters. All in favor vote aye; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were.

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Mr. Onorato	Mr. Ricciardi
	Ms. McDonald
	(Pres't Pro Tem)

(Mr. Udin voted no)

Motion passes to cable cast the post agenda.

Mr. Onorato:

At this time I want to make another motion to televise tomorrow's Post Agenda on the issue of services in lieu of taxes at 2 o'clock.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Any other business under motions and resolutions to be brought before Council?

Mr. Ricciardi:

Thank you, colleagues. I am going to be very short. I will be testifying before the RAD Board. I am going to just say I am very unhappy with the funding allocations, unhappy with what the Carnegie Libraries are getting here in the City of Pittsburgh and Allegheny County, in terms if you just look at their staffing, you look at their capital needs. I am just mystified that once again the Soldiers and

Sailors Memorial Hall in the Oakland area was not funded.

I am looking forward to entertaining Councilman Onorato's, which was reported in the media. I once again say that people have stated that the RAD Board's objective, that they're A political. That's the furthest from the truth. The RAD Board is the most politically charged board here in the City of Pittsburgh.

There is no doubt in my mind that that board is controlled by the two County Commissioners and Mayor Tom Murphy. If they were able to remove a board member because that board member was not going to vote for Plan B, I am calling on the Commissioners and the Mayor to let those members know fund our libraries and fund the Soldiers and Sailors Memorial Hall and support veterans throughout this area and especially support knowledge and education.

I have statistics here from the Carnegie Library of Pittsburgh, which have been forward to me. I am going to hold on to these because this battle has only begun. I just hope that board realizes there is more to this county and the City of Pittsburgh than sports. A lot of people can't afford a game; a lot of people don't even care about sports, including me. I am not that hyped about sports, but I like my child to go down to the South Side Library and enjoy herself, but they are cutting their hours of operations, they're paying librarians with masters degrees \$22,000, the facilities are falling a part.

I mean sure when the RAD Board was passed and I know it listed in their stadiums but stadiums was way down there at the bottom. So I am just calling

on the Commissioners to use their influence on this board. Just because there is a disagreement between Cranmer, Dawida and Dunn, and Dunn supports veterans here in Allegheny County, and Dunn supports the Soldiers and Sailors Memorial Hall, don't try to by punishing the Soldiers and the veterans you're not really punishing Commissioner Dunn. The personalities on that board of Commissioners are just incredible.

I recall one time I ran into Commissioner Dawida and he said to me on Grant Street, oh by the way how is Council. how is the zoo going? I remember when he first got this, you know the zoo moved, it is now in the courthouse. It continues to stay down there and it is a disgrace what they are doing with the veterans and the Carnegie Library in the City of Pittsburgh. Thank you.

Mr. Onorato:

I want to thank Councilman Ricciardi for constantly speaking out on this issue. I am just totally frustrated with him when I heard that report last week of once again another outright denial. I was as outraged as he was.

The only positive in this whole thing it appeared in the report, that they left a small window of opportunity up there until the November 9th meeting. That's what I introduced which will come up tomorrow to address the so-called reason why they rejected it and to remove any excuses by November 9th.

If there is a total rejection by November 9th, again and there is no funding in place for Soldiers and Sailors, I think that this Council has to seriously

consider other actions. When I say other actions believe me we have the ability here to look at other RAD funded projects that were very controversial, we have other development projects that are very controversial that we supported in the interest of moving the region forward.

If Soldiers and Sailors Hall is not going to be part of the development, and moving the regions forward, then maybe we will just bring everything to a halt for a while. I think it is that critical and that important that Soldiers and Sailors Hall get the appropriate funding.

While the veteran groups might have been a little on the high side with an \$8 million request, there is a counter proposal that came out of the county's budget office that can get them \$6 million with only having to allocate \$258,000 of RAD money for twenty years in debt service. There is a counter proposal out there, there is a way to achieve this goal.

So I don't want to hear any excuses on November 9th. I look forward to the discussion tomorrow on the bills. I will be looking forward to any friendly amendments. But as far as I am concerned, along with Councilman Ricciardi the men and women who that building was built for deserve this as the minimum of respect for what they have done for this country. I am not going to be part of anybody who denies the appropriate funding for that particular building. It is not an outrageous request. If that is being denied, then shame on the people who denied it.

Councilman Ricciardi is absolutely right on one issue, that vote can be unanimous with three phone calls, four

phone calls and that is three Commissioners and the Mayor calling their appointees. We saw it during the Plan B discussion, I think that was appropriate then, and I think it is appropriate now to call on their appointees to make sure that this vote happens.

Mr. Hertzberg:

I was mystified to hear that for the second year in a row the RAD Board was about to appropriate nothing to Soldiers and Sailors. It's very difficult to make any sense out of that. There is no doubt that's a regional facility. There is no doubt that it has a lot of needs.

So I think attributing it to some kind of personality or political conflict is about the only sense that can be made of it. I just hope that a reason will prevail here. Because penalizing that facility and all of our veterans who deserve better is the wrong way to resolve any kind of political conflict that's going on out there.

As far as the Carnegie Libraries are concerned, I am hopeful that between the RAD Board and our city capital budget, we can at least resolve the long-standing problem with the ADA access to the

neighborhood libraries. I know there are two libraries in my Council District that are totally inaccessible. They have extremely large steep stairs there and I am hoping that between the Regional Asset District and the city capital budget, we can finally address those problems.

The Chair:

Any further discussion under motions and resolutions? If not we need a motion to approve the minutes.

MR. RICCIARDI moved to approve the minutes.

MR. UDIN seconded the motion.

Which motion prevailed.

MR. RICCIARDI moved to adjourn the meeting.

MR. ONORATO seconded the motion.

And on the motion made by Mr. Ricciardi, the meeting adjourned.

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Municipal Record

ONE-HUNDRED THIRTIETH COUNCIL

BOB O'CONNOR President
LINDA M. JOHNSON-WASLER.... City Clerk
JOHN R. MASCIO Deputy City Clerk

Pittsburgh, PA
Tuesday, October 13, 1998

PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Diven	Mr. Ricciardi
Mr. Ferlo	Mr. Udin
Mr. Hertzberg	Mr. O'Connor
Ms. McDonald	(Pres't)

The Chair:

Will you all please rise for the pledge of allegiance and remain standing for a moment of silent prayer for peace and hope throughout the world.

We have a special guest with us, Edward Grattan. He is in the eighth grade at Sacred Heart and he is accompanied by his parents Ed and Joan Grattan. He is from Dan Cohen's District, District 8.

Edward Grattan:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all.

The Chair:

Thank you, Ed.

We have many special guests in the audience today.

PRESENTATIONS

MR. HERTZBERG PRESENTS:

No. 850 WHEREAS, Lamar D. Lee Sr. and Helen Thomas Lee will be celebrating their 50th wedding Anniversary on October 10, 1998 at the American Legion in Sheraden; and

WHEREAS, Lamar and Helen Lee have been Chartiers City residents for 39 years; and

WHEREAS, Lamar and Helen have 3 Sons, Dr. Lamar D. Lee Jr., Rev. Kevin Lee and Phillip Lee, and 2 Daughters, Mercedes Lee and Dina Lee Martin. They also have 13 Grandchildren Genea, Lamar III, Davie', Jasmine, Tiffany, Antionett, Vincent, James, William, Jamall, Kevin, Keneth, Jale, and 4 Great-Grandchildren, Kevin, Corey, Lamar IV and Kameron; and

WHEREAS, Lamar Retired from U.S. Steel as a Chemical Operator. A

Graduate from the Art Institute, his work was displayed in the Three Rivers Arts Festival in the early 1960's. Lamar is also known for his Afro-Centric Religious Themes, and is one of the first African-Americans considered for an illustrator position with the old Pittsburgh Sun-Telegraph News Paper; and

WHEREAS, Helen is a Retired Nurse and was coordinator of the Day Center at the Jubilee Kitchen. She is currently a Board Member of the Jubilee Kitchen. Helen is also a "Grandparent" volunteer at Chartiers Elementary School and a longstanding pole worker on Election Day; and

WHEREAS, Lamar and Helen are both longstanding members of Trinity A.M.E. Zion Church. Lamar is a former member of the Board of Trustees, former Minister of Music for the Male Chorus and a former President of the Men's Ministry. Helen is a former Lay Council President and is currently a Choir Member and teaches Sunday School and Vacation Bible School at the Church;

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh wishes Lamar and Helen Lee a Happy 50th Wedding Anniversary and declares Saturday October 10, 1998 Lamar and Helen Lee Day in the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

MR. FERLO seconded the motion.

Which motion prevailed.

Mr. Ferlo:

I would like our Pittsburgh Gold 50's team to come forward please. We also have a great group this morning, from the Garfield Heights community; we are going to be bringing them up shortly for all their good work.

Good morning everybody, we have a great delegation here. You are probably wondering what the heck do these guys have in common? You see these great trophies, in fact, I think with your permission, Mr. President, I would like to put them up on the table here so we can get a better shot. I know what you are thinking, what are these old decrepit looking guys up here for?

MR. FERLO PRESENTS:

No. 851 Whereas, the Pittsburgh Gold 50's Softball Team is composed of team members Bob Knight, Fred Junker, Ron Bools, Dave McMaster, Tom Rush, Willie Tatton, Jim Bradburn, Ron Coligan, Tom Larkin, Dave Snatchko, Leroy Miller, Fred Gladish, Randy Savor, Paul Zalus, Rick Kumer, Steve Senich, Lou Abel, Mickey Arnold, Ken Hoffman and Bunny Tedesco; and

Whereas, the Pittsburgh Gold 50's Softball Team has been recently ranked among the top ten teams in the country; and

Whereas, in September of 1998 the team won the World Champions Tournament held in Chicago, Illinois, by winning nine of ten games and defeating opposing teams from all around the United States, including pivotal wins against teams from California, Ohio, and Hawaii; and

Whereas, the accomplishments of the Pittsburgh Gold 50's softball team are a tribute to softball enthusiasts around the globe and a source of great pride for the individual members of the team; and

Whereas, the team is also a great promoter of the Pittsburgh area, as they, dressed in the City of Pittsburgh colors of black and gold, travel across the country extolling the virtues of amateur sport and of the City of Pittsburgh;

Now, therefore be it resolved, that the Council of the City of Pittsburgh does wish to congratulate the Pittsburgh Gold 50's Softball team for an outstanding season; and

Be it further resolved, that the Council does wish to further commend and thank the Pittsburgh Gold 50's Softball Team both for their tireless promotion of the City of Pittsburgh and for adopting a motto which applies to life as well as sport: "You don't quit playing because you grow old, you grow old because you quit playing".

MS. MCDONALD moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Ferlo:

Thank you very much. We have these official proclamations to give everybody. You can see from right behind me, much taller than I am, are these unbelievable trophies that are dwarfing our own President Bob O'Connor and myself.

We have a great group of gentlemen, many of these gentlemen were born and raised in the City of Pittsburgh, many of them live throughout the Western Pennsylvania area. They're in all walks of life; many of them are business people, professional as one sort or another. But they put all that aside when they hit the pavement at the softball field. It is down and dirty and that is all they do. They pursue their passion and love for the sport of softball.

They are determined despite the age of being at least 50 and some of them are a little bit older, and in fact Bunny has told me that there are even teams in their 60's and 70's that go around the country. But what is exciting about this group is the commitment that they have made not only to their own health and wellbeing but the job they do on the field and off the field in the community. All of these gentlemen are active at one level or another in the neighborhood and in their communities.

More importantly, they travel all over and they raise a lot of money and it all comes out of their own pocket. They contribute to survive in a great sport and that is softball. When they tour all around the country they do one thing, they really promote not only the game of softball and quality health, more importantly they really promote and put the City of Pittsburgh on the map.

So we have a lot of goodwill ambassadors all over this city that travel all over this country and the world for that matter. Probably nobody has epitomized that better than these men that are part of the Gold 50's group. So I thought it was important to bring them down today.

I know we have gotten lost a lot of times with the major league sports and banquet Penguins and the Rooney's with the football and Pirates. They're all great but also we all know from our own Council Districts how important little league sports is to us and all that it means to quality youth development.

Here is an example also where softball has been a great opportunity and I know this group would like to make a commitment. I have spoken to Mr. Tedesco about the group's involvement and maybe looking at some of our fields. We are talking about improving our fields, looking at soccer, Councilman Onorato's promotion of soccer fields around the city. I know these gentlemen would like to contribute and be a part of the plan also to upgrade and improve make more available softball fields. So I am here today to applaud them, to give them official recognition from their own City Council and to ask them to keep on keeping on.

At this time I would like to ask Bunny and maybe some of the other gentlemen would like to say a few words and the captain, or whoever. Let's have a few guys say a few words up here and maybe they can talk about their tributes and their wins and they can embarrass a couple of the bad players that are here. Maybe they can talk about the great trophies that we see.

Speaker:

Councilman, thank you for the recognition, it is truly appreciated by my teammates that are here today in attendance and also the ones that couldn't

make it. Some of us do work for a living and some of the fellows couldn't get off today on a Tuesday. But it is truly appreciated. We love what we do. We are proud to represent the City of Pittsburgh wherever we go. Let's just say we attract a crowd. We have a good time. We are a nice ball club. We represent the city very well.

In addition to that, I would like to take a second to thank the Spaghetti Warehouse in the strip district, Dave Brody especially for helping to sponsor our team. He makes some financial contributions to us to help get us through the season. This is a rather expensive proposition when you get into entry fees and tournaments are \$300. We play in about eight tournaments a year, there is \$2400 right there.

Mr. Brody from Spaghetti Warehouse is good enough to come up with the dollars to help defer some of those expenses as well as Wilson McGinley Distributing Company, distributors for Miller Light Beer also on the strip district. They also are good enough to give some financial contributions to us to help defer some of those. Our travel expenses and things like that they are paid by us in the way of raffle tickets and golf outings and whatever we may try to do during the season to try to generate some income in that regard, but this was truly a season of dreams.

I think most of us here; I have either played against these guys or played with them for the last 30 years. You dream of winning a World Championship, we were successful in winning the World Championship in Chicago in September. We just came back October 4th from Palm

Springs, California, where we won the World Series Championship also for the other organization. So we are the only senior softball team that has been in existence for ten years, Pittsburgh Gold 50's is the first team to win the World Championship and World Series in the same year.

Unless someone else wants to get up here and embarrass themselves, I can't think of anything else to say.

Mr. Tedesco:

This is the guy who hit the grand slam home run by the way.

Speaker:

Jim Ferlo referred to the different fields in the city and being 54 I played on Dean's Field when it was all rocks, and Sullivan Field and it is still the same as it was back in the 50's. A lot of us are like Jim mentioned from the neighborhoods of Lawrenceville, Bloomfield, Garfield, North Side, and have appreciated the support of the city and maintaining the fields as well as you could under budget restraints and so on.

I think Jim made a good point, keep it going for the little leagues because some day there will be a little league kid sitting up here, 53 years old saying we just won the World Championship. Again, thank you.

Mr. Ferlo:

My apologies on not recognizing the second win. That is a second win, and we are going to correct that proclamation.

Mr. Onorato:

Councilman Ferlo mentioned about trying to put new soccer fields in. One of the reasons we are trying to get new soccer fields is to take the soccer games off of our softball fields. You are going to have a direct benefit if we built more fields to relieve the pressure on some of our fields.

I listened to the gentlemen that just spoke, I can recall being a little kid watching my father in little league and remember when the fields were all oil. The city has come along way from the oil field days to what we have now. I think it is just another good example of why we have to be committed in keeping the infrastructure of all of these fields up and running in the city regardless of where anyone lives. Because it does keep the city viable, and I want to thank you. Congratulations.

Mr. Ferlo:

Again, I want to thank you. If there is something we can do as a Council in the future when you are traveling, if you need some kind of recognition from the city to give as a gift or something that we can do. Money is no object when you're poor, I keep telling you that. Let us know if we can have a better partnership and if we can help do some promotion and give you some future recognition. I think that's very important.

We want to thank you all for really promoting the city all around the country. Maybe someday we will get those as Bunny has asked me and maybe we can host a major World Series or big championship. We would love it. We can get the Convention Center involved and

the Pittsburgh Promotion Office. So if there is anything we can do to help on that, Mr. O'Connor is very active in that front also. We would like to be supportive.

Thank you. We have a great group of residents here from the Garfield Community that have worked long and hard in their own neighborhood. I would like to ask the whole group to come forward and thank them for their patience this morning.

Also we have some representatives from one of our local hospitals that has made a commitment to the community, has worked very diligently to improve the services and the quality of life in the Garfield community. Long time dear friend Mable Stevens is here and Mable is the past President of the Garfield High Rise Seniors. We have Shirley McCoy here, Vice President of the Row-House Tenant Council, a good friend Geraldine Charlton, President of the Row-House Tenant Council is here, Geraldine Coleman, premiere number one volunteer, Carol Haley from the Senior Family Health Advisor from UPMC St. Margaret's Hospital, Walter Smith, President of the Advisory Council, and Thomas McConts, Director of the COPC, UPMC St. Margaret's Hospital. So we have quite a distinguished delegation down here today.

I want to ask the President to pass these proclamations around. Members of Council, I would like to read the following resolution.

MR. FERLO PRESENTS:

No. 852 Whereas, the Garfield Heights Advisory Committee was established in October of 1997 with the

help and support of the University of Pittsburgh Medical Center St. Margaret COPC Health and Human services office for the purpose of increasing the number of services available to residents of the Garfield Heights high-rise; and

Whereas, the Committee's goals and objectives include educating community residents, establishing a community center, raising funds expressly for children's activities and otherwise improving and strengthening the Garfield Heights community; and

Whereas, the Advisory Committee has found success by establishing such events and programs as Health Awareness Days, Senior Outreach programs, Thanksgiving Dinners, and Easter Egg Hunts and Christmas Parties for the children; and

Whereas, the Committee will be holding their first Volunteer Awards Banquet Saturday, October 17th at 4:00 p.m.;

Now, therefore be it resolved, that the City Council of the City of Pittsburgh does wish to recognize the tireless efforts and hard work of the Garfield Heights Community Advisory Committee; and

Be it further resolved, that the Advisory Committee and all individuals and organizations associated with it shall be implored to continue their good work so that the spirit of the Garfield Heights Community may continue to be fostered and so that the fruits of their labor may continue to be cherished by their neighbors and neighboring communities for years to come.

MS. MCDONALD moved to adopt the resolution.

MR. FERLO seconded the motion.

Which motion prevailed.

Mr. Ferlo:

I did most of the introductions of our folks here. We want to thank the leadership demonstrated by the institution of St. Margaret's UPMC Hospital; they have made a commitment to expanding proactively preventive and primary health care to this community. They have created some important friendships and partnerships with the leadership of the community as well as the many residents.

This is a neighborhood that is struggling to improve itself by its own initiative, linking arms with providers and those who have something to offer in the neighborhood to raise the quality of life for all the residents, especially the young people. I have had a pleasure many years ago working with Mabel as far back as community action, Jerry and everyone else and we want to thank all of you for your commitment.

We thought given the fact that you're recognizing some of your volunteers it would be nice to also recognize the leadership for a job well done. At this time I would like to ask maybe a couple of you to step forward and have a few words.

Mr. Smith:

I just want to thank the Council for the recognition. I want to say that I hope to be able to keep up the work that we are

doing with the neighbors. We need all the help we can get to put the family health program because there are a lot of people in the neighborhood that don't have the health facilities that are necessary. We are trying to make them aware of what is happening with UPMC and the Advisory Council. Once again, thank you all of you.

Ms. Charlton:

I would like to thank the Council for acknowledging us today and as a community we all try to work together and to get along and make our one community a family. We appreciate this from the Council today. Thank you.

Mr. McConts:

Most importantly throughout the City of Pittsburgh, unfortunately the case where we have many communities just not Garfield Heights that is truly in need of primary health care services. Most importantly we have had the opportunity in working with the residents of Garfield Heights to forge a relationship where we address health and human services. We have made a tremendous impact when you look at the statistics that have been generated. We see approximately 1,000 residents of that community.

As of today this is our anniversary date of being in this community for one year. So I too would wish to thank the President of the community and what they have worked with us in achieving. Thank you very much.

Mr. Ferlo:

I just want to say thank you and we will see on Saturday also.

MS. MCDONALD PRESENTS:

No. 853 WHEREAS, on Monday, October 12, 1998, PACE, Program to Aid Citizen Enterprise, will host a luncheon at the New Greater Pittsburgh Coliseum with guest speaker the Honorable Johnny J. Butler, Secretary, Pennsylvania Department of Labor and Industry; and

WHEREAS, PACE throughout its thirty-year history has been committed to providing programming to meet the under served and disadvantaged communities throughout Pittsburgh and Allegheny County. Through annual grants from United Way, PACE has provided financial assistance via grants to over 200 organizations; and

WHEREAS, the PACE grants program and CBAD, Community Based Asset Development Program, help to impart knowledge, skills, and strength to organizations on the road to sustenance and stability which aids to overall community development; and

WHEREAS, since naming a new Executive Director, Karen Farmer-White, in 1995 PACE has been in transition, expanding its role in the community by adding technical assistance and programming.

NOW, THEREFORE, BE IT RESOLVED, that the Council in the City of Pittsburgh recognizes and commends PACE, Program to Aid Citizen Enterprise, for educating and enriching the lives of our youth.

MR. O'CONNOR PRESENTS:

No. 854 WHEREAS, The Day School and the Valecko family lost a most cherished person when Terri Valecko lost her battle with cancer; and,

WHEREAS, Terri taught for four years at The Day School at the Children's Institute for the elementary and junior high students; and,

WHEREAS, Terri was truly an excellent teacher who brought love and caring to the classroom; and,

WHEREAS, Terri was respected among her peers for her personal and professional integrity, as well as her sense of humor, creativity, love of children, dedication to her profession and selflessness.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby extend to the Valecko family and The Day School its deepest sympathy and recognize her legacy in the community.

Also,

No. 855 WHEREAS, the First Presbyterian Church, located at 320 Sixth Avenue, is celebrating its 225th Anniversary; and,

WHEREAS, the First Presbyterian Church was founded in 1773 and incorporated in 1787; and,

WHEREAS, the First Presbyterian Church is holding a banquet in honor of this event on Saturday, October 10, 1998, with featured speaker, Dr. Lloyd John Ogilvie, Chaplain of the United States Senate.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby congratulate First Presbyterian Church on its commitment and dedication to serving the Pittsburgh Community; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh in recognition of First Presbyterian Church's 225th Anniversary and hereby declares October 10th as, "First Presbyterian Church Day" in the City of Pittsburgh.

MS. MCDONALD moved to adopt the resolutions.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Now move to presentation of papers.

MR. FERLO PRESENTED:

No. 857 Resolution authorizing and directing the Mayor, Solicitor and the Director of Parks and Recreation to enter into a Lease and Agreement with the Boys and Girls Club of Western Pennsylvania, in connection with the construction, maintenance and operation of a community recreation and park facility in Leslie Park, 9th Ward, City of Pittsburgh. (SPONSORED BY MR. FERLO).

No. 858 Resolution providing for an Agreement or Agreements, or use of existing Agreements for the design of

soccer fields and trails as part of the Junction Hollow development; and providing for the payment of the cost thereof, cost not to exceed \$40,000.00.

No. 859 Resolution further amending Resolution No. 838, effective January 1, 1998 entitled "Adopting and approving the 1998 Capital Budget and the 1998 Community Development Block Grant Program; and approving the 1998 through 2003 Capital Improvement Program," by transferring \$40,000.00 from Fuel Facility Rehabilitation (Department of General Services) to Park Reconstruction (Department of Engineering and Construction).

Which was read and referred to the Committee on Engineering & Construction.

MR. HERTZBERG PRESENTED:

No. 860 Resolution amending No. 548, effective October 1, 1998, entitled "Vacating a portion of Tyler Way starting at Lowell Street and extending to a point 150 ft. west and Accepting Lot and Block 210, 100 ft. by 22 ft. which will continue from the vacated portion of Tyler Way to Mayflower Street as a Right of Way. SO as to change Block and Lot to 208, including 22 ft. of frontage on Tyler Way and extending in depth 15th to be used as part of public right-of-way.

MR. HERTZBERG moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced, so the bill will be on the agenda this Wednesday.

MS. MCDONALD seconded the motion.

Which motion prevailed.

Also,

No. 861 An ordinance amending the Pittsburgh Code, Title Four: Public Places and Property, Article I: Streets and sidewalks, Chapter 416: Obstructions, by adding to Section 416.03 "Street Encroachments and Major Street Obstructions; Permit Required", Subsection 416.03 (d)

Which were read and referred to the Committee on Public Works, Water & Environmental Services.

MS. MCDONALD PRESENTED:

No. 862 Resolution providing for the transfer of the amount of Six Hundred Thirty Thousand Dollars (\$630,000.00) to Code 45, Health/Life Insurance-Municipal Employees, Non-Departmental Personnel, Account 571100, Fund 1000, Organization 999200, Subclass 040, Budget Year 1998 from the Special Summer Food Service Program Trust Fund in the Department of Parks and Recreation, Account 581140, Fund 2855, Organization 521220, Subclass 600, Budget Year 1998.

Which were read and referred to the Committee on Finance & Budget.

MR. RICCIARDI PRESENTED:

No. 863 Resolution authorizing and directing the Director of URA to amend Council Bill No. 720 - Center Triangle Tax Incremental Financing Plan - and proposing to utilize \$7 million dollars to assist in redevelopment activities related to Neighborhood Business Districts.

(SPONSORED BY MR. RICCIARDI & MR. DIVEN).

Which were read and referred to the Committee on Finance & Budget.

MR. RICCIARDI moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. ONORATO seconded the motion.

Which motion prevailed.

MR. UDIN PRESENTED:

No. 864 Resolution providing for an agreement(s) and contract(s) with a consultant(s) for professional services in order to provide a report which evaluates various aspects of collective bargaining agreements with the city and providing for the payment of the costs thereof at a cost not to exceed \$20,000. **(SPONSORED BY MR. UDIN).**

No. 865 Resolution providing for the filing of an application by the City of Pittsburgh with the United States of America, Department of Housing and Urban Development, for a grant or grants in connection with Referral of Housing Discrimination Charges (and related activities), HUD/FHP Project; providing for the execution of a Grant Contract and for the filing of requisitions and other data; approving the HUD/FHP Project; providing for required assurances; providing for execution of payment vouchers on Letter of Credit and for certification of authorized signatures; maintaining a Special Trust Fund in connection with the Project; and providing for the deposit of funds in a bank account.

An ordinance amending the Pittsburgh Code, Title Four: Public Places and Property, Article I: Streets and sidewalks, Chapter 416: Obstructions, by adding to Section 416.03 "Street Encroachments and Major Street Obstructions; Permit Required", Subsection 416.03 (d)

Section 1. The Pittsburgh Code, Title Four: Public Places and Property, Article I: Streets and sidewalks, Chapter 416: Obstructions is amended by adding to Section 416.03 "Street Encroachments and Major Street Obstructions; Permit Required" the following:

(d) No encroachment of any kind shall be granted to any individual or entity that owes the City any delinquent taxes (including, but not limited to, Property Taxes on any real property in the City, Wage Tax, Earned Income Tax, Mercantile Tax, Business Privilege Tax, Institutional Privilege Tax, Occupation Tax or Amusement Tax), that owes the City or Pittsburgh Water and Sewer Authority any delinquent water or sewage charges, or that has any property in the City with any outstanding Bureau of Building Inspection or Housing Court violations. For purposes of this subsection, an entity shall be deemed to be delinquent or in violation either if the named entity is delinquent or in violation or if any individual that owns 50% or more of the entity has a delinquency or violation.

Which were read and referred to the committee on Finance and Budget.

The Chair:

Thank you. Is there any unfinished business to come in front of Council?

Hearing none, now move to Committee Chair Reports. Actually I would like to go out of order for a moment. As you saw in the news today the Penguins have made -- there are many, many concerns about the financial status of the Penguins. I have asked Councilman Cohen to give us a briefing.

I know I talked to Mr. Leeper this morning. I know he has and I am asking after his report that he be our front person because of his position on the Auditorium Authority to keep us abreast and Council's representative there in any ongoing negotiations. So that so we are on top of things and we don't have to always read them in the paper.

Mr. Cohen, would you like to brief us on what you know is happening in the last couple of days?

COMMITTEE CHAIR REPORTS

Mr. Cohen:

Thank you, Mr. President, I would be happy to. We believe that the Penguins will most likely file for bankruptcy all though it has not happened yet. We know that Roger Marino co-owner of the Penguins has been pushing to file for bankruptcy for a long time. Up until this time Howard Baldwin has not wanted to do that. We don't know whether he has changed his mind or not but it may well happen.

This I want to make it clear that this does not mean that the Penguins will stop playing, it does not mean that they're going to close shop. If they did file for bankruptcy it would be what is called a

Chapter 11 Reorganization as opposed to Chapter 7 Liquidation. A reorganization that the team would have to reorganize itself to be able to put it on a better financial footing.

If they file for bankruptcy it would allow the National Hockey League including Commissioner Betman (phonetic) to take over the Penguins. We don't know whether they would exercise that option or not, but it is under their agreement with the National Hockey League. They would be able to do that.

The Mayor met with Roger Marino and the Commissioner last week to discuss these issues. There certainly needs to be many future discussions with the Penguins about this viability, their financial viability and the city. I think I can say that the county wants to do everything possible to help them.

I want to make something very clear and that is that we will not even consider providing assistance to the Penguins or even having the kind of serious discussion we need to have until the Penguins reaffirm the covenant they signed in 1997 saying that they would not relocate this team. That is very, very important. Unless they sign a consent decree, which is also signed by the judge, because we did sue the Penguins three days ago, unless they do that then we can't have serious discussions about their future.

We have every reason to believe that Roger Marino has been talking to other cities about moving the team, cities including Houston, Texas, including Kansas City, Las Vegas, Nevada, and that is just unacceptable.

So there are really kind of two points here. One is that if the Penguins go ahead and file for bankruptcy, certainly we would want to help them in every way that we can. However, we have to protect the public's interest and if the Penguins, particularly Roger Marino, is planning to do anything to move this team, then obviously we can't have serious discussions.

The Penguins are a Pittsburgh asset and we intend to keep it that way. The Penguins have to stay in Pittsburgh. Roger Marino frankly has been violating a covenant that the Penguins signed last year in return for \$12 million that the Regional Assets District provided the Penguins for an upgrade of the Civic Arena.

So, the best thing that the Penguins can do so far as far as the Auditorium Authority and the city and the county are concerned is to reaffirm that they will not move the team. That has to be done in the form of a consent decree with the judge because of Mr. Marino's actions. Once that happens I think we can have serious discussions about the future of the Penguins and really sit down and talk because that's what we need to do. We need to sit down and talk, talk about their future and how we can help their future.

So that's really where it stands right now, Mr. President. I thank you for the opportunity.

The Chair:

Any questions for Mr. Cohen?

Mr. Ferlo:

I am pleased that Councilman Cohen, given his role on the Public

Auditorium Authority Board, will work on this issue. As you stated, I heard you this morning, Mr. President, I think it is important that we keep the Penguins here. But I don't trust the Murphy administration; I don't trust the owners of the Penguins. I don't know what is up.

I am a little bit suspect that all of a sudden and I think maybe it is posturing the Murphy administration. It looks like they are being tough by going to court. Now today we hear that there might be a bankruptcy. I don't know if all of this is just basically window dressing and a set up to tell the taxpayers that we have to bailout the Penguins. I don't know if that is what the Murphy administration is really up to. I don't trust them. I will be honest with you; I have not trusted them when it comes to the way they deal with the Pirates and the football team, the Steelers. So I don't know what is real here.

So, I would like to better understand what is actually the Mayor's intent? What is actually the intent of the legal action? Why has it come now on the heels? Is this a set up? Are we being set up for an eventual bailout using city tax funds or TIF's or operating budget or capital dollars, or renegotiating a lease and hands with, however you want to veil it? Is this a set up for us to yet again bailout a major league sports team? I would like the Mayor to make a public statement regarding that issue.

The Chair:

I believe that is what I am asking Mr. Cohen to address, those questions. If not, I am not saying a news conference. We can't wait a week, two weeks to just discuss these issues that he keep us

abreast.

I am also concerned and I was on that Auditorium Authority when we gave them the capital improvement money. Legally when I was lead to believe that no matter how tight you control it, it is very hard to keep this team here. So legally we have a lot of work to do to tie them down to make them live up to their obligations. Unfortunately if a team leaves, it's only they that can, leave the uniforms behind and take the players. So it is not like you own a building and that's where the value is unfortunately. I think it is very very important.

I think you are right, Mr. Ferlo, we have to be very suspect, we have renegotiated. I don't know how much room is there for rent, and things like that. FOX, SMG is a very important player here but I don't see a bailout when they talked about a Plan B. Why aren't they having a new arena? This arena is sold out. It is in a great location. So I never thought that was even on the table.

The Convention Center, the Auditorium Authority has given them vast improvements to upgrade the arena. So it will be a state of the art, and it holds -- it is the fifth highest in attendance, almost 18,000 hockey fans can be at a game. So I think we have done our part, the fans have done their part; it looks like it is a management problem as far as how they have handled their money. A court action whether it be the National Hockey League or somebody overseeing them may be the best answer.

But again, I think we have to be cautious. It is not up to the taxpayer to bail this team out if you look at their

financial how they have run the team the last couple of years.

Mr. Diven:

The only question that I have and we touched a little bit on Plan B. Is this is a team that received \$12 million in public funding from the RAD now we are embarking on doing an \$800 million construction capital project with the Steelers and the Pirates and a third of that, actually two thirds will be from public dollars? What kind of covenants do we have in place now to protect this from happening five years from now with the Pirates?

That's a big question that we need to be looking at is part of the rationale behind pushing for Plan B was that we were told that this would lock a team in for 30 years, and for the life of the stadium. Now, it seems that all they have to do is go to court and declare bankruptcy and then they can pull up stakes and move out of town.

That is one question that we need to have addressed because if we are making an \$800 million investment and three or four years from now the Pirates can come in and say that they are bankrupt and move, we are going to be in a world of hurt as far as justifying spending that money.

The Chair:

I believe they are -- I don't know if Mr. Onorato wants to answer that. There is a lot more protections at least on the Pirate's end. We would be the first payees, I think they owe us almost \$30 million to the URA, we have over a year to

find a new buyer, all of those things are in place. I don't know if you want to --

Mr. Onorato:

Real briefly, both the Steelers and the Pirates are committed to long term leases, supposedly can't get out of. I don't know maybe 20 years from now some slick attorney will figure something out, but supposedly you can't get out of the lease for at least the length of the debt service of all the money that is being put in. I don't have the exact length for both teams but it is between 25 and 50 years that they are committing. No money will be spent on either stadium until everything is signed committing those teams, and both owners have said publicly they're going to sign it, they are committed to the long term leases and those new locations.

The Chair:

Actually to follow up on the Pirates, Mr. Leeper -- we have been in discussions for Plan B we are trying to set up meetings and briefings with Council, have an ongoing discussion where they are and all the things that are in place on Plan B.

Mr. Diven:

The question I have is obviously there was some similar type of agreement with the Penguins in order to leverage the \$12 million in RAD funding. Now we are finding out at least from what I have seen in the news, all they had to do is declare bankruptcy and then they would have the opportunity to shop the team. Is that the case?

Mr. Cohen:

No, let me make something very clear. I think the media has gotten that wrong. No, the covenant, the Penguins asked for money to refurbish the Civic Arena three years ago. The Civic Arena is a great arena. It's old but it is great. But it did need some refurbishing so the Regional Assets District gave 10 to \$12 million for that refurbishing.

At that time we said we are only going to do this if the Penguins sign a covenant that they will stay in Pittsburgh at least until the year 2007. That was ten years, I think, from the time that they signed, July, 2007. That covenant is binding no matter what happens with the Penguins, whether they declare bankruptcy or not declare bankruptcy. We went into court last week in order to protect the public's interest in that covenant. So if they file for bankruptcy that does not get them out of this covenant.

The Chair:

I don't want to prolong this too long, but Mr. Diven brings up a good point. If they wanted to be sold before, Las Vegas or whoever would have to pay the \$12 million back, I believe, but if they went bankrupt, that might open a new issue.

Mr. Diven:

They don't have to pay it back.

The Chair:

That is a good point. I think these are ongoing discussions.

Mr. Cohen:

Yes, they are and they're important questions. We have actually given the Penguins \$16 million since 1994 because there was another four million before that. The public debt as I understand it would be the first one on the list of creditors but clearly bankruptcy of course puts it into another forum.

I can just say this, if there is any mistrust that we need to have right now, frankly I don't see it. Easily it is a mistrust in Roger Marino because Mr. Marino needs to say that we are going to commit the Penguins to Pittsburgh for the indefinite future. Until he does that, it's hard for us to sit down and discuss the financial future of the Penguins. He has secretly traveled to other cities, we think, in an effort to talk about relocating this team. Until he makes a commitment that this is a Pittsburgh asset and it will be for a long time, we can't sit down and talk to him.

Mr. Hertzberg:

The real player in these things or whatever we want to call it on these relocation questions is the league. They're the ones who are going to make the call here. You can't just pick up and move to another city because if you are not in a league when you move to the other city, you're of no value.

So it is the NHL that really holds all the cards in this thing. As far as I know the NHL wants the team to stay in Pittsburgh. That's the whole key. They're the biggest players in it with or without a bankruptcy.

I know Cleveland pulled their football team and went to Baltimore,

Cleveland went to court, the football team stayed in Baltimore. You can have a bankruptcy, you cannot have a bankruptcy. You can sign every written agreement on earth, they are only as good as the parties to them are going to be. But when it comes to these leagues, the leagues are the ones who are making the calls on whether the team can relocate or not.

So before we panic over the bankruptcy, I think we need to know where the NHL is. As far as I know they are saying the Penguins stay in Pittsburgh.

The Chair:

They're an important key and especially this isn't an excuse of small markets and things like that. This arena is sold out every game. If anybody is to be at blame, look at the ticket prices. Last year \$125 a ticket, earlier games. They started to change the time of the games without asking the fans. So far their managing of the team has a lot to be desired besides what is going on, on the ice.

Again, we would appreciate your input and keep us abreast on that issue.

Moving to Parks and Recreation,
Ms. McDonald.

Ms. McDonald:

Thank you, Mr. President. Just some of the highlights of first on community recreation. The East Liberty Farmers Market is still in operation. Attendance has been fair to moderate. The cycling criterion in Washington Boulevard is in the final construction stages. Asphalt topping is to be applied prior to the end of October and the expected start of update

for the cycling criterion is early November.

For the volleyball courts sandlot, sand volleyball courts in Highland Park swimming pool the final construction is not yet completed. The sand has been partially installed and completion is anticipated in the early spring of 1999 because I was curious about that myself.

Let's see, for the Big League the Mayor's Cup Tournament was held at Three Rivers Stadium, and the winners were as follows. The Colt League is Stanton Heights, Pony League Sheridan, the Housing Authority Little League was Northview Heights, the girls softball league Bloomfield and the little league was Elliott.

For you, Councilman O'Connor, there are a couple of things for you. Citiparks assisted in the Mayor's Office Weed and Seed Initiative and the successful completion of the first annual 5K Octoberfest on Saturday, October 3. This inaugural event was well received by participants and experienced tremendous community support and Bob O'Connor was in attendance.

The Great Ride, 1998 Citiparks Great Ride was a tremendous success. Just a highlight, they experienced 77 percent increase in ridership from 1997 to 1998. I did not make public my questions about the peanut butter \$153 for peanut butter and all it was marked on the invoice was Great Ride. Well I thought that sounded kind of intriguing and I said why would they need \$153 in peanut butter for a Great Ride? Not knowing what the Great Ride was, it was for sandwiches.

NFL Flag Played Football National Program. Citiparks has been selected as the local organizing agency for NFL Flag Played Football National Program. It's open to boys and girls ages six to 14. The emphasis is on team works --

Local organizers are matched with hometown NFL affiliate for player appearances and promotional and marketing support. As of this date Citiparks has more than 40 teams registered commenced yesterday, October 12, and it is going to run through November 20. The teams compete Monday through Thursday weekly. That is a new program.

In response to what we had brought up, Councilman O'Connor Citiparks will assist in the preparation of the competitive bid for Tiger Woods Clinic and Workshop here in Pittsburgh. The staff at Citiparks will work in conjunction with Council Offices O'Connor and McDonald. I guess everyone we all need to be part of this as a group.

For the off the leash exercise areas, Citiparks requested an extension of time for completion of the pilot program for OLEAS, the request was -- they're going to meet with Bob O'Connor's staff to arrange for an acceptable revised schedule for the off the leash law.

The Aquatic Planning Assessment Public announcement. The aquatic planning assessment is ready for a public announcement. The RFP process will involve heads up, lengthy Public Hearings and extended dialogue. Something I really look forward to. Members of the Council will be asked to serve as committee members. This unfortunately will

probably unfold on or about budget hearings as they are progressing. We all think that's privatizing the polls.

Moving away from community recreation onto Senior Interests just a couple highlights. By November 1st, 100 percent of all senior community centers will be computerized.

Plans are underway to replicate the activity in which CAPA participated in an intergenerational program to produce a mural at Mount Washington.

Plans are underway to replicate this activity at Greenfield Senior Community Center during the '98, '99 school year. So you are going to get a mural.

Areas of concern. Parks and Rec Senior Interests are currently in lease negotiations with the owner of the old Saint James Convent in West End for a new senior community center appropriate budget costs have been submitted for 1999. That's head up Councilman Hertzberg. Thank goodness they are coming to something here.

They're in the process of converting the Joe Natoli Center to a senior community center as a means to save approximately \$18,000 a year in rental costs. They have met with the Department of General Services to begin structural changes and equipment purchases to rehabilitate this center. And that's for Councilman Ferlo.

There is going to be an addition to the Homewood Senior Community Center and lastly there is going to be an elevator installed, a new elevator. It is expected for construction completion in November of 1998 at the South Side Market House.

Just about three more items. 54 projects have taken place in neighborhood parks located in various communities as part of a six year strategic plan to focus on neighborhood parks stewardship. We are recipients of a community development block grant.

This I don't understand and maybe someone knows more about this but I am just reading the information given to me. They have successfully completed projects that exposed corporations in the city to issues concerning neighborhood parks some of the corporations are Progressive Insurance, DeLoitte and Touche, TCI Cable and Members of Pittsburgh Cares. They are currently with the Mayor's Office of Economic Development on developing a project for a new financial corporation in a neighborhood park. I guess that's collaboration. I hope they're not building anything in a neighborhood park. I believe that's a collaboration.

There is going to be a new partnership with Western Pennsylvania Conservancy, ten - three inch caliber trees will be planted at the entrance to the Lawrenceville Trail in the fall of 1998. So, Jimmy gets some stuff in his neighborhood again.

Through Youth Works, they have eight youth and a supervisor that had been cleaning the Carnegie Lake in Highland Park, and there is a second crew of youth employed with a task of painting the fence along McCardle Roadway in Mount Washington.

Those are only just some highlights. I want to again thank Director Faith Gallo, and Deputy Directors Mary

Esther VanShura, Duane Ashley and Myrna Antonio Hall for providing me the information to have such an extensive report. Any questions?

The Chair:

I have to actually follow up with Councilman Hertzberg. Is the Saint James West End finally going to happen?

Mr. Hertzberg:

It looks that way. The only question I have is why was it listed as an area of concern? As far as I know it's moving ahead. The lease negotiations are just about concluded for a part of the old Saint James School and Church Facility. The Rectory should be moving ahead. I think we will see an opening sometime in 1999.

The Chair:

That will be a welcome site because I know the seniors up there have been negotiating and waiting very long and patiently for that. I do want to thank the organization in Hazelwood for the 5K Run we had. I see they really cleaned up the main street.

Also, Mr. Ferlo, I want to congratulate you on your Stanton Heights big league team. They won the big -- I believe I would like to send a letter of congratulations and thanks to the Big League Organization, all the city staff. I think they have done an excellent job and they service all of us. So coming from all Council members I think it would be appreciated. They really do a heck of a job.

Mr. Ricciardi:

I have today a report from the Water and Sewer Authority, a very detailed report that I will be forwarding to each colleague. However, I will take the liberty of touching upon two issues that I believe are important to the community.

The long awaited monthly billing concept is about to become reality. Before the end of October and yes that's this October, 1998, the Pittsburgh Water and Sewer Authority will begin to send customers monthly bills on a cycle by cycle format. Since there are 12 cycles in our billing system, the entire conversion will require up to two months converting all of our customers to monthly billing. This will allow our customer to budget their water charges more easily. The Pittsburgh Water and Sewer Authority will also benefit since customers will be more likely to pay a small monthly bill in full.

I think that's a very long awaited service, Mr. President, that the ratepayers have been requesting now for over a decade. It finally is going to become a reality.

Also the Reservoir Covering Program has been an extremely burdensome program that has spanned more than a decade including three administrations. There is light at the end of the tunnel. The authority has successfully covered five of seven open reservoirs to date with the sixth reservoir Highland Number Two currently under construction. The Highland Number Two cover construction project will be completed before year end.

The seventh and final reservoir the

Highland Number One is under study and design. At a meeting conducted just this past Thursday at the Vintage Senior Center, the Highland Reservoir Task Force gave a green light to the most recent option. This option will preserve the beauty of the reservoir and at the same time satisfy the need to protect the drinking waters supply. The design of this concept will be completed by yearend. Construction is expected to begin sometime in early to mid 1999.

On a personal note colleagues, as you know this was an unfunded federal mandate here in the City of Pittsburgh that has literally cost us tens of millions of dollars that definitely affected our rate increases. I want the ratepayers to know that once again federal government sits there, gives us the unfunded mandates and we have to follow through.

Also on another personal note, I think this is important for the viewers to realize this. I have been sitting on the sidelines watching this very closely since I am a member of the Pittsburgh Water and Sewer Authority, but if it was not the effort of our colleague, Councilman Jim Ferlo, the Highland Park Community would have been very disappointed on the way the initial idea and plan on how we were going to cover the reservoir in Highland Park. There were a lot of options and details either Mr. Ferlo can talk about them or we can once again tell the community what is happening.

But I must say and this is something that I have learned since 1990, that if an individual or a community group does not get involved, it just goes through the bureaucratic departments and you get something that is not wanted. But I really

want to commend Councilman Ferlo because I once again sitting as a Board Member of the PWSA, I saw him get involved over the years. I saw how he led and showed leadership, but also how he was very, very willing to come up with some ideas.

Mr. Ferlo, I think the community hopefully will someday recognize what you have done for that reservoir and maybe someday might even be called the Councilman Jim Ferlo Reservoir the cover of Highland Park. Sponsored by all colleagues.

Finally the Pittsburgh Water and Sewer Authority has continued to scrutinize cost, at every level. We are in target to significantly reduce electrical treatment chemical overtime and repair cost as compared to 1997. These savings will help us to guard against double digit rate increases as have been seen this year with other area water providers.

The Pittsburgh Water and Sewer Authority is committed to keeping a close eye on expenditures in effort to keep water rates as low as possible.

Once again, since the authority became an operating authority we are spending less money. We have less people on the payroll, and we are collecting more of our liens and debts out there. I think it has really become a professional organization that I am very pleased to sit on, Pittsburgh Water and Sewer Authority.

I know the rate increases have become very critical and people have become very upset. But when you look at the other water providers both in this area and throughout the nation, our water rates really are in line and we are right in the

middle of the pact.

I would like to even give another note, I continue however to vote against all rate increases with Ann Davis from Polish Hill. We think they're still too high and think we can get control of those expenditures. Thank you.

The Chair:

I know you have an intern director now, is there a target date when they will name a new director?

Mr. Ricciardi:

Thank you. John Hanna has been appointed Acting Director of the Pittsburgh Water and Sewer Authority. As you know he was the Director of Operations, but we have a very strong management team and Dawn Botsford and also Greg Tutsock and others and we are going to do a regional search.

I opposed the last search that went outside the city of Pittsburgh and Allegheny County, I voted no against the previous director even though he has done a marvelous job. I am pushing that this promotion happens in-house. I think it's good for morale and we have very fine individuals that could do a very good job. I don't think we have to go outside that premise. We are hoping, Mr. President, within 90 days.

The Chair:

I hope the committee or the board takes your advice. Also, I like the idea of the Ferlo Reservoir. Every time we have a glass of water, we can think of Jim Ferlo from now on.

I think on your Committee Report of Engineering and we might want an update on the construction and all the phases going on in Highland Park area and the reservoir.

Moving on to Reports of Committees.

REPORTS OF COMMITTEES

MR. UDIN PRESENTED:

Bill No. 866:

Report of the Committee on Finance and Budget for October 7, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 815

Resolution transferring \$3,411,946.00 from the Transfer Suspense Account, Fund 1000, Organization 999800, Sub Class 150, Budget Year 1998, Account 525500 to various accounts where shortfalls exist.

Which was read.

Also,

Bill No. 816:

Resolution transferring \$1,421,459.32 from various 1997 accounts to the Non-Departmental-Fringe Benefits Account, Fund 1000, Organization 999300, Sub Class 040, Budget Year 1997, Account 574300 in order to resolve

deficits in the 1997 Health Care Benefits accounts.

Which was read.

Also,

Bill No. 817:

Resolution transferring the amount of \$2,285,413 from the Non-Departmental - Personnel Salary Account, Fund 1000, Organization 999300, Sub Class 010, Budget Year 1998, Account 511000 to the Non-Departmental - Personnel Fringe Benefits Account, Fund 1000, Organization 999300, Sub Class 040, Budget year 1998, Account 574500 in order to restore funding to the Worker's Compensation - Disability Account.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills? Bills are now ready for final action. All in favor of the passage of the bills vote aye when names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. O'Connor
	(Pres't)

AYES	Eight	NOES	None
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Bills have received the legally required number of votes and are passed finally.

MR. HERTZBERG PRESENTED:

Bill No. 867:

Report of the Committee on Public Works, Water and Environmental Services for October 7, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 804:

Resolution granting unto William Pegg, 161 Brahm Street, Pittsburgh, Pa an encroachment to construct maintain and use at his own cost and expense, a parking area in the 26th Ward, 1st Council District, City of Pittsburgh.

Which was read.

Also,

Bill No. 805:

Resolution granting unto U.S. Web Electronic Images of 313 E. Carson Street, Pittsburgh, PA 15203, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, hanging of banners, 3 ft. wide, with one being 20 feet tall and the other 15 feet tall in the 16th Ward, 3rd Council District, City of Pittsburgh.

Which was read.

Also,

Bill No. 806:

Resolution granting unto Demo Kephologianis, 1889 Café, 2017 E. Carson Street, Pittsburgh, PA 15203, an encroachment to construct, maintain and use at their own cost and expense, a sidewalk Café, extending 25 ft. in length and encroaching 7 feet onto a 15 ft. sidewalk in the 17th Ward, 3rd Council District, City of Pittsburgh.

Which was read.

Also,

Bill No. 808:

Resolution granting unto Sarah Heinz House located on East Ohio Street and Heinz Street, Pittsburgh, PA their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a sign that is 3 feet in height and 30 ft. in length in the 23rd Ward, 1st Council District, City of Pittsburgh.

Which was read.

Also,

Bill No. 841:

Resolution authorizing and Directing the Mayor, Solicitor, Director of Finance and the Budget, and the Director of General Services to cease and desist in any and all of their actions which in any way contribute to the administration's attempt to outsource or privatize the City of Pittsburgh's municipal waste, garbage and recycling collection process.

(SPONSORED BY MR. FERLO, MR. HERTZBERG, MR. DIVEN & MR. RICCIARDI).

Which was read.

The Chair:

You have heard the reading and title of the bills, is there any discussion on the bills?

Mr. Cohen:

I would like my comments brought over on Bill 841 please.

(Please see Addendum for Comments on Bill 841)

Mr. Ferlo:

Again, I want to thank my colleagues for the support on the issue of clearly and with no uncertainty by way of resolution making it clear to the administration that the majority of Council does not support outsourcing or privatizing or the elimination of the municipal service garbage pick up by our own city work force. I think the resolution is self-explanatory.

I do think it again raises questions about how sincere the administration is to want to work with Council to try to grapple with budgetary issues. Now the next time we have a budget summit meeting instead of having a practical sit down meeting where we were to have an exchange of ideas and get some sense of what the Mayor will or will not commit to, now we are supposed to go to a meeting, I guess he is going to have a press conference.

I assume he is going to attack Council or God knows what he is going to do, but it is a serious discourse that we are interested in, in terms of the budget summit process. In fact, I am not sure I want to attend basically a press conference and have the Mayor basically chastise Council or beat up on us because we don't happen to agree with them on the issue of outsourcing the garbage.

But I just want to make it clear both on the outsourcing as well as the notion of garbage fees, I want to reiterate why I am opposed to garbage fees. I think they are basic services that we should provide as part of the tax base, operating budget in city government. I think it is wrong to institute a garbage tax or garbage fee. I think a large percentage of homeowners and property owners representing large sections of the City of Pittsburgh will not pay the fee. I think the result of that would be at some point there would be an attempt not to pick up the garbage.

I think we are not a suburban owner occupied residential tract housing community, we are a 55 square miles of some very complicated and diverse streets. Many streets and alleyways I don't think a private hallow would even attempt to go down. I can start naming streets in a lot of our respective districts. We get a good product for the amount of money that we spend including the capitalization of our equipment, which would be a shame to lose and basically mothball on this plan.

So, for so many reasons I think it is bad policy, it will be detrimental to the public health of our residents, to the quality and order of social life in the City

of Pittsburgh to basically institute a garbage tax. I reiterate my concern. I think it is an unfair labor practice. In the history of this city, I have never known at any time the administration attempting to negotiate a new contract by telling the work force they no longer have a job and will no longer be a part of government. I have never seen any contract negotiations start out on that footing.

This is a union and a workforce that has taken it on the chin over the years. You have more refuse of greater volume of tonnage of garbage being picked up by lesser groups of workers, less number of individuals on the truck, more routes, you name it. This union has gone above and beyond the call of duty. They have taken wage freezes over several years, they have agreed to a two-tier wage system. Where did you ever see that?

I mean the police, fire, no one has ever agreed to that. Yet, this union agreed. So you have a good part of the work force that is making and doing the same work, but they are making ten, eleven dollars an hour instead of fifteen or sixteen dollars an hour. So, why beat up on the lowest rung of the employment ladder in this city to a group of workers that work so hard never get any recognition? Is this typical what the Murphy administration is all about? This is bad policy and I thank my colleagues for supporting the resolution. I hope it will lead to a cease and desist order from the administration.

One last point, just back to something that Councilman Cohen was concerned about originally. I have just learned, I did not know this but for whatever reasons the Housing Authority has never agreed to pay the fees that this

Council has assigned and assessed several years ago. So we have been out several hundred thousand dollars a year. They have never once participated to my knowledge in the recycling program.

So we have thousands of residents that are ignoring or have any ability to participate in the recycling program which is not only state law, but our own city code of ordinances. Why we have this process going on I don't know. Why we are not challenging them in court to collect the fee or not pick up the garbage and let them have to go somebody else. But the system that is in place right now doesn't make any sense.

This Council agreed that they shouldn't be treated any differently and there should be some resolution to this. It can't just be a deal where the Mayor agrees with Stanley Lowe oh, we are just going to look the other way. If that's going to be the case, then I am going to revisit the whole issue of the garbage fees that are right now on apartment dwellers and others in the city.

So, I am also very concerned about that because we are out about a half million dollars in fees that should be coming from the Housing Authority for the services that we are providing. The School Board has been paying it, others have been paying it pursuant to the Council resolution for fees, I just think it is wrong.

Mr. Cohen:

I think Councilman Ferlo raises a good point with respect to the Housing Authority and that needs to be addressed and I hope that we can address it. That of

course is not what we have before us today and with all do respect to Councilman Ferlo, I could not disagree with him more when it comes to this piece of legislation.

Councilman Ferlo is very artful and very a good at making it seem as if there is a proposal before Council to privatize the garbage department. He also is very artful and I compliment him in making it seem as if there is a proposal before City Council for a garbage fee. There is neither.

The reason that I opposed this legislation and by the way when if and when there is legislation before this Council and before me regarding privatizing the garbage department, I am inclined to vote against it. However, it would be irresponsible for me to do that now having not seen any proposal. There may not be any proposal and for us to take it off the table before it even comes to us in my humble view is irresponsible.

This Council decided a long time ago -- let's put it another way. A few months ago when we started to go down embark on the road toward the 1999 budget that the one thing we would all agree to is that everything would be on the table for us to at least to consider. Then, of course, once a proposal was structured we could vote yes or no.

With a \$28 million deficit that we have before us in 1999 we don't have the luxury to take anything off the table. We have got to look at everything. We have got to start getting serious both as Council and the Mayor about balancing the budget for 1999 and realizing that we either have to make major cuts or revenue increases or a combination of both to be able to do

what is right for the people of Pittsburgh when it comes to our budget.

I wish that things weren't always and this isn't going to change but let me say it anyway, I wish that things weren't always put in terms of whether this is the Mayor's proposal or whose proposal it is. I am not against this because the Mayor is against this; I am against this because it is the wrong thing to do. I wish we wouldn't cast everything in terms of whether it is pro Tom Murphy or anti Tom Murphy. Take an idea and decide whether it is a good idea on its merits. Whether it is good for the people Pittsburgh not whether it's good for Tom Murphy or not good for Tom Murphy.

Let's look at the merits and on the merits of this bill it just doesn't make sense, in my view, for us to throw an idea off the table before it's even been formulated. So for that reason I am voting against this and I would hope that Council would as well.

Ms. McDonald:

I would like to have my comments brought forward. I would like to set the record straight. I am not against privatizing in general. What I am is against privatizing the refuse department. So there are areas that I will consider, and there are areas I will not consider. The reason I am going along in voting with resolution 841 sponsored by and written by Councilman Ferlo is because I can tell you right now the one thing that really ticks me off is wasting my time and wasting tax dollars.

To me this is a waste of time. I don't want to review. I don't have time to

review a proposal that you know dog gone well you don't have the votes to pass anyway. So why are we doing this? Let's all value our time a little bit better than what we do. You don't have the votes. Personally I would never push something forward when you -- I mean you really don't have the votes. You have a super majority vote to veto. You have a super majority so it's a waste.

I think it is a waste of tax dollars simply because the manpower to write this RFP up, the paper, the printing, the postage, we can add that up and maybe we need to ask for a dollar figure on how much it cost to actually put out an RFP to privatize the refuse department? So that the taxpayers will know this is how much it cost you to generate a proposal that the votes weren't there for anyway. That's why I am supporting resolution 841 is just a waste and reiterate that my concerns as far as privatizing in this particular arena and again I will consider privatizing some things, but not this one, is that accountability is my primary concern.

You have got to be able to hold people accountable. You get stuck with an outside contractor; you are at their whim in terms of pricing, how they are going to do this route, addendum like they want to pick up this. They want to pick up that, something in addition to what they feel is mainstream pickup that is at a cost. Being in some sort of contractual arrangement with this huge waste hauler, I just don't see it, no guarantees in pricing, possibility and probability of being fixed and pigeon holed into possible pricing that maybe cost prohibitive to this City. There is no flexibility, less flexibility.

Right now we tell our guys this is

what we want done. We maybe able -- right now with the refuse department if things aren't working we can change it tomorrow. We can change it next week. You won't be able to do that with a private contractor. You are not going to just snap your fingers and say let's change things because it is better; it is more efficient for the city. You can't do that. You got to remember all of the little things in terms of that fine art of garbage pick up is going to figure into this contract. So, right now we have more it is more amendable to changes in the city and what we need.

Also, I would say that our refuse workers have been hard workers. Many of those refuse workers have been picking up garbage when they were burlap bags, steel cans, maggots, and hauling that crap on the back of a truck. I mean, they paid their dues. When no one else was willing to do it, no one else. When a lot of these workers couldn't get jobs anywhere else, they couldn't get into any of the other unions. So, they ended up picking up garbage. Because it was a j-o-b, it paid for their family. They lived in the city to pick up garbage. Not only do they have a vested interest in this city from their experience, but they live in the city.

So these are factors that figure in why to me this is like a no brainer, why would we want to privatize something that works? It works. If I am going to save a dollar or two on privatizing, what does that really mean in the long run for the city? Again, I think that resolution 841 is one that will cut the spending and the waste of labor and manpower and something that just doesn't make sense for the city.

(See Addendum for comments on

Bill 841)

Mr. Hertzberg:

Thank you. I would like my comments brought forward on 841, which I am voting yes on.

I won't detail again my position here, other than to say that from a big picture when you talk about contracting out or privatization, when those issues come to me my initial look at it is I don't want to. That's my thoughts. You have to overcome, you have to prove to me why something should be private, not we have to show why not. You have to show me why? This at the get go does not pass that test for a whole number of reasons elaborated here already and that I have spoken about. Thank you.

(See Addendum for Comments on Bill 841)

Mr. Ferlo:

The great Council President once said that privatization is an excuse for bad management. I don't know who that was. But my colleagues Councilman Cohen and Councilman Udin as Finance Chairman last week made it seem that this is somewhat of an academic exercise. Would have us believe that letting the administration go out, issuing a request for proposal, having them be sealed bids, opened in the Controllers Office, and somehow this is just kind of an academic exercise so we can figure out or ascertain and theorize and project what the actual cost might be for a big monopoly landfill hauler or contractor, to come in.

So, if that's the case, then I will

retract all of my statements, but it is not the case. It is not meant to be an academic exercise. It is meant to show that the private sector at least in the initial years because of their attempt to want to lowball and get the work and pick it up bottom line cheaper than our city work force. It's an attempt to gain momentum with the editorial boards of the Post Gazette and the Tribute Review and the perception of the public that we are spending too much on garbage.

It can be done cheaper, we are in a budget constraint, why doesn't Council lighten up and come to its senses. That is what this whole agenda is about and that is why I am acting now with this resolution. That's why I disagree so strongly what this notion of letting out this RFP who has an independent legal council advisor and acts independently under the charter, I would ask that he review this resolution today that we are passing and give us some opinion as to whether or not it's even appropriate for him to open up these bids.

Because I think basically without Council's authorization to allow the actual bid process, they've actually tainted a truly competitive bid under state statute and code of ordinances. I think there is a substantial legal question now about even opening these bids given the fact that there is no authorization of Council.

But in closing, I want to make one thing clear, the administration and the Mayor in particular has not come to the table and responded to suggestions for budgetary concerns that I have raised repeatedly over several meetings called the budget summit process. There have been a number of suggestions I offered. Basically it is the Mayor's position it is my way or

it's the highway. That's not a way to get a budget resolution resolved. I mean there are any number of issues that I raise at that group, some of which were not politically popular. Some of which were not a comfortable for me to have to even vote on, but we have gotten no response as to whether or not the Mayor would agree to support that.

The only thing he has focused in on is this attack on Council around the garbage tax, the garbage fee and privatizing. Haven't they learned anything from their negotiations with the firefighters? They blew a contract because of their arrogance in the manner of which they attempted to negotiate. They didn't negotiate in good faith in that process either. When will they ever learn?

Have they learned anything holding public office for the last few years as it relates to the workforce? You know the Mayor's own rhetoric for years has been quality work force management. How do you have quality work force management through a group of workers environmental services when you basically open the door and say we are bidding your jobs out? That is not quality workforce management. Where is the win, win strategy philosophy in collective bargaining where we win something in terms of city budget and the work force ends up trying to win something. You bargain in good faith.

Where is there an attempt to look at best practices? I mean maybe we should be spending our energy looking at ways talking with the workforce, Councilman O'Connor has pointed out on several occasions, where we talked to the workforce themselves about is there a way to get economy a scale? Is there a way to

better organize the routes? Is there a way -- you know is there certain streets maybe that recycling could be picked up once a month instead of every two weeks?

I mean there are any number of things I think we can talk to the workforce about to gain from them some of their knowledge and expertise on how to better run and cut costs and conduct an operation so where does that attitude by the administration? They are blowing it and they are doing directly opposite of what they profess to believe in when they are at least out running for public office.

The thing I am most upset about is the administration doesn't come and get the Mayor's response for other things we have suggested in terms of the budget. You know I have offered several things. Everything from police, EMS, earned income, players tax, it is never a response. It is always like getting back to this issue of being Council of the head of garbage fees and garbage tax. I am not supporting it.

Mr. Diven:

I was going to speak along the same lines as Councilman Ferlo. First of all I want to clarify my position that I am opposed to even considering privatizing the refuse collection. I know that in the budget summit process we talked about keeping all of our options on the table and keeping everything open.

I agree with Councilman Cohen that you know that sentiment was reflected in that meeting. But in light of some of the things that I have seen and experienced watching colleagues like Councilman Ferlo and I believe Councilman Onorato has a great piece of legislation to increase

revenue through in lieu of taxes. You know all of these things that have been brought to the Mayor's attention, have not even been given cursory attention.

So for us to keep all of our options on the table and make it look like we want to participate in it when we don't get any kind of reciprocity back from the Mayor's administration, it is not smart for us to do. I think sometimes we do have to draw a line in the sand and say look we're going this way whether you like it or not.

You know part of being a team organization which the Mayor and Council should be doing is give and take between the two different branches. If the Mayor is unwilling to bend and he wants to do everything his way, then Council is left to protect the wishes of the people who have put us here. All of us have different constituencies that we represent that must be protected. If not there would be no need for Council.

So I think we are exercising an important function as elected independent representatives to double check and make sure that the plan that the Mayor's administration is laying out is going to be the best benefit to the greatest amount of people in the City of Pittsburgh. When we start talking about the refuse collection, I am not convinced on that at all.

I think we have a great system that works. To go in there and change it just for short term savings and sacrificing, you know, the work force and sacrificing our ability to compete and keep the market at bay, if we can't do that then we have a problem.

I think one of the statistics that

echoes the argument about privatization compared to in-house work was one of my staff members formally worked with the asphalt plant in running one of the paving crews. Now each year we have in-house people that work for the city that go out and pave roads and we have contractors who go out and who are contracted to pave roads. This year the numbers that I received, it cost the contractors a \$170,000 to pave a one-mile road, whereas in house it cost us \$93,000 to pave road.

So if that is not the perfect indicator of what the private market will charge to the City of Pittsburgh compared to what we can do in-house, that's an example that we have to be looking at. Obviously these companies that come in and want to do this obviously at some point they're going to need to make a profit to survive. With the city we don't have that profit motive there. We don't have to make over and above what it cost us to do the job. So I think that's one thing that we need to be stressing in this whole argument as well.

The Chair:

I will be supporting the legislation. I agree everything should be on the table and looked at. But I am under the impression and I brought out the old bill, we spent over one hundred thousand dollars studying these issues from the Compact Pittsburgh Taskforce a couple of years ago. I don't know if anything has been done with it. If it hasn't then shame on our management for not reviewing it.

But I understand from talking to some of the management that we have done a lot of cost cutting in this department and we don't have the figures.

In fact, if it comes up again, we should bring the leaders here to show the numbers and compare what they have done. From my understanding they have done a lot more than maybe we give them credit for, the refuse department. So, I am in full support of them and also I take this as kind of a threat in the negotiations. I don't think it has been fairly done.

So, hopefully if we move on in management and this budget time, I think we have to have a cost comparative over the last few years to actually see what they are doing and if they have lived up to what I have been told they have done. They have cut their costs, they have increased their routes, so they are doing everything they have asked us. I don't want to put us in the same position as the Nabisco Management Team when labor did everything they were asked of and they were going to still sell them off. I don't want to put us in that position and I don't think we should be. So these are things we all have to look at.

Bills are now ready for final action. All in favor of the passage bills vote aye when names are called, all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Diven	Mr. Ferlo
Mr. Hertzberg	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
	Mr. O'Connor
	(Pres't)

(Mr. Cohen voted no on Bill 841)

Bills have received the legally required number of votes and are passed finally.

MR. RICCIARDI PRESENTED:

Bill No. 868:

Report of the Committee on Housing, Economic Development and Promotion for October 7, 1998, transmitting two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 844

Resolution authorizing and directing the Mayor, the Council of the City of Pittsburgh, the Directors of the Departments of Public Works and Engineering and Construction to provide various services in support of Soldiers and Sailors Memorial Hall in relation to their Regional Asset District (RAD) Funding status.
(SPONSORED BY MR. ONORATO).

Which was read.

Also,

Bill No. 845:

Resolution of the Council of the City of Pittsburgh, Allegheny County, Pennsylvania, supporting and approving the Application for Nomination as an Empowerment Zone prepared in conjunction with the Cities of Duquesne and McKeesport, the Boroughs of Homestead, Rankin and West Homestead,

Allegheny County, et al. (SPONSORED BY MR. UDIN).

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Onorato:

On Bill 844 I am going to pass a written amendment. This, I think, came from Councilman Ferlo. He suggested last week that we add to the bill just a section that says any alternative plan that adequately funds Soldiers and Sailors, obviously we would endorse also. That's all this does is add Section 5 and then the current Section 5 becomes Section 6. I will make that motion first.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Onorato:

Once again I want to thank my colleagues for supporting this. This is a very doable plan. We already have the county out front in a letter to the RAD Board saying they are willing to go out on a \$3 million bond issue if the RAD Board would support a \$258,000 annual debt service payment for the length of the bond issues. A \$258,000 is very reasonable compared to the original \$8 million request.

I think \$258,000 is something that can be absorbed by the RAD just from its growth every year. I think it is the right

thing to do too, because the Soldiers and Sailors Memorial Hall is truly a Regional Asset. It effects all of the veterans, men and women, all different groups that participate in the hall. I talked with a lot of different veterans groups this weekend; they are in full support.

There was even one group that explained that there might have been some internal struggling going on in control of the board. Even if that's the issue, this particular funding source is bigger than any of those issues because this goes to the viability of the hall. Any internal struggles can be handled through the board and through the process they have in place.

What this is here and once again we are all united on regardless of our differences, is that there is an appropriate funding source to make sure that Soldiers and Sailors remains a viable hall. Remains a hall that can stand on its own. We believe with this kind of funding, with the new air conditioning unit put into the building, with the upgrades that the hall because of it's nature, because of the parking lot on the (inaudible) could actually be self sustaining with events that go on in that particular hall.

Finally, the bottom line in all of this is what the hall represents. The men and women who fought for this country all the wars and that this is a very, very small token of our appreciation for what they have done. We can never repay them for what they have done.

I will just end by saying the part that the city is going to contribute are the directors of Public Works, Engineering and Construction to upgrade those reports by the November 9th meeting. If this passes today, I would hope that the two

directors would meet immediately. They have exactly one month to have everything prepared for that meeting.

I am looking forward to the response from the RAD Board before the hearing if there is anything else outstanding they need. Because I think we responded to their concerns. This is the plan that can make this happen. I want to thank everyone for their support.

The Chair:

Can I just ask you will be bringing, Mr. Onorato, you will be bringing them here November 9th to discuss this?

Mr. Onorato:

No, what happens is that at the last Regional Assets District Board meeting which was about two half weeks ago, when they rejected the \$8 million request, the RAD Board did say however we would hear you again at the November 9th meeting. The criticism they gave that their two reports were outdated and the eight million was too high. So all three of them are being corrected.

The \$8 million is down to 258,000 and the two reports will be updated by our departments. They have to be presented to the RAD Board on the ninth of November. That is when the RAD Board will hear it out.

The Chair:

I might suggest the possibility that's such an important asset to Oakland whether the universities and hospitals would want to contribute in some way to that 280 figure.

Mr. Onorato:

That would be great.

The Chair:

If you want to pass that along.

Mr. Cohen:

Thank you, Mr. President. I do commend Councilman Onorato on the bill regarding Soldiers and Sailors and support it 100 percent. But what I wanted to address this morning is Bill 845 regarding the empowerment zone application that we are going to be putting forward to the federal government. We had a lot of discussion about this last Wednesday. I think we need to reiterate our commitment to do everything that we can so we don't loose out on this empowerment zone application the way we did on the last one.

We had discussion with Director Birru regarding how we are going to lobby for this, that we need to have all of our ducts in a row and be able to lobby aggressively for what we believe would be several \$100 million infusions of federal money into different urban areas.

Last year cities like Cleveland and Baltimore received \$100 million each, we got three million dollars each. So we need to do everything that we can. Certainly our congressional representatives need to do everything that they can along with all the community groups, the URA, the city, the county we have got to have a delta team put together so that we can try to win it this time. I think we can.

One hundred million dollars from the federal government would allow us to

do an enormous economic development in the areas that have been identified here. So this bill really is different from a lot of other bills that come before us. We have a chance for a major commitment and we can't blow it like we did -- like at least it was done last time.

Mr. Ricciardi:

Thank you. I concur with Councilman Dan Cohen and I think his position is correct. It's a \$1.5 billion congressional package, \$100 million application are funding allocations. The director of the URA has admitted at this table that it is a very political process even though the applications will be rated and reviewed by federal heads of different agencies, Vice-President Al Gore makes the final decision.

So if it is a political process as stated, I think Councilman Cohen is correct and maybe he can lead us on everyone's behalf on the City of Pittsburgh and work with our congressional delegation to see what needs to be done.

On another issue, same bill. I am a little miffed and I continue to be miffed, it comes before us the application and we have two days to -- they have two days to submit the application. It really does not give us enough time to have input into the bill.

For example the map itself. I am very pleased that the South Side Flats and the South Oakland community is included. However, I would have eliminated the South Side Flats to be perfectly honest with everyone and taken care of some of the Hill Top communities of Allentown, and Arlington, and Knoxville, and

Beltzhoover. We have huge plots of land especially now with Saint Claire Village and Arlington Heights, public housing communities being scaled back.

I realize that this is a job producing bill also. I realize people can't be transporting the jobs, but I think we would have liked to have input on the transportation opponent of it, the job training component. But how can we have any type of input when we only have one week to make a decision and just allow us to vote?

So I am going to support this. I think the application is put together very well. But I hope this doesn't continue to happen in the future as it has happened in the past. We really have no input and in a way it is disgraceful because I do sit on this legislative body. But really are we to have input, are we to represent our constituents or are we just a rubberstamp when it comes to the URA applications to the federal government? It is a pity, it is a shame. I just hope it changes in the future.

But to get back to what Mr. Cohen has stated, I would hope maybe we can even have a resolution and vote to have Mr. Cohen lead the charge for City Council on the behalf of lobbying Vice President Al Gore to make sure we come up with \$100 million funding allocation.

Mr. Ferlo:

Same subject. I am pleased to vote for this. I do want to thank Director Birru and Deputy Mayor Cox for extending and expanding the map to include the Lawrenceville riverfront corridor, especially the area of Sixth, Ninth and Tenth Wards not just for riverfront but for

meaningful commercial and industrial development appropriate and sensitive to the neighborhood. There are a lot of abandoned sites in that corridor including a lengthy portion of the riverfront. The corridor especially at the end of 43rd Street, 40th Street to 43rd is ideally suited for an actual interface with the river itself.

There are large tracks of land, a number of industrial buildings that have been closed and blighted and vacant for several decades now. These are great sites for appropriate demolition and environmental upgrade in making the site ready for major developments. So I am pleased that we are now into this mapping and can avail ourselves of those kinds of development funds.

The Lawrenceville Development Corporation is a good track record in that corridor. We have already existing 300 companies that are operating successful businesses. So I think we have everything to gain, but I think the point is well taken. We need to lobby I don't know if part of Peg McCormick's role will be as a consultant or as a contractee to do this, but I would like her to play a role. I know she has maintained good relationships at the congressional level and administrative level in DC. But I think we need others to come forward.

We have people in the Pittsburgh region that are supporters and close with the Clinton Administration and additional leadership of Congressman Coyne. The mapping would suggest that at least a couple other congressional people should also be part of that delegation. We have communities that are outside of Congressman Coyne's district.

I don't think we should let up on Senator Specter either. He is an important US Senator; he represents all of the state. This is one of the major proposals going in from the Commonwealth albeit here in the Greater Pittsburgh area and I think we should ask him to also be a supporter. He has enjoying some organized labor support from the building trades and other Unions. You know it is time to ask him to bring home some bacon and we should be a front runner.

I think the proposal is a quality proposal, it mobilizes close to a billion dollar private investment, independent of the 100 million dollar federal funds. So I just hope that we can be a little more aggressive. I think as part of the resolution we should authorize the Council President on behalf of all of our signatures to send a formal letter to the delegation, to Vice President Gore, to Mr. Clinton, and anybody else we can to be supportive of this empowerment zone grant.

So I would like to offer that as a friendly amendment that we empower the Council President on behalf of the body with our signatures to send a strong letter of endorsement to the elected and administration delegation in DC.

MR. COHEN seconded the motion.

The Chair:

I certainly agree and I may with some discussion from all of you. I think, Mr. Ricciardi, you said it the best, this is an election time, there is a lot of lobbying going on and it is time to bring home the bacon. We failed in the last few years over the course of years I think to bring this home. Whether as you mentioned it

hits at least three congressional areas Senator Specter and Santorum. I think we have to work together and especially our democratic delegation to lobby the Vice-President who was here, spoke elegantly in my neighborhood of Hazelwood. We were excited to have him.

Atlanta got theirs. Baltimore, Philadelphia, what about Pittsburgh? I think by lobbying and bringing them together whether we want to do it as a Post Agenda, I will speak to our congressional leadership how they want to go. But it is going to take a delta team champion and I think somehow Council seems to be that champion of these kind of causes. So with your input we can discuss how to put it together besides the letter.

The bills are now ready for final action, all in favor of the passage of the bills vote aye when names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. O'Connor
	(Pres't)

AYES Eight NOES None

Bills have received the legally required number of votes and are passed finally.

MS. MCDONALD PRESENTED:

Bill No. 869:

Report of the Committee on Parks, Recreation, and Youth Policy for October 7, 1998, transmitting one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 790:

Resolution authorizing the Mayor and the Director of the Department of Parks and Recreation to name the gym at the Phillips Park Recreation Center to be the "Harry Readshaw Gymnasium". (PRESENTED BY MS. MCDONALD AND MR. DIVEN)

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Bills are now ready for final action. All in favor of the passage of the bills vote aye when names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Mr. Hertzberg	Mr. Onorato

Mr. Ricciardi

Mr. O'Connor
(Pres't)

AYES Eight NOES None

Bills have received the legally required number of votes and are passed finally.

MR. DIVEN PRESENTED:

Bill No. 870:

Report of the Committee on Public Safety Services for October 7, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 812

Resolution authorizing and directing the Chief of the Bureau of Building Inspection and the City of Pittsburgh Chief Magistrate to forward a report to City Council detailing the entire citation process and court process for constituent complaints regarding problem properties. **(SPONSORED BY MR. RICCIARDI).**

Which was read.

Also,

Bill No. 813:

Resolution authorizing and directing the City of Pittsburgh Bureau of Building Inspector Chief, Budget Director and Chief Magistrate to submit in writing within 90 days of the passage of this legislation any budgetary recommendations rendering better services

to City constituents. **(SPONSORED BY MR. RICCIARDI)**

Which was read.

Also,

Bill No. 814:

Resolution authorizing and directing the City Solicitor, Chief of the Bureau of Building Inspection and Chief Magistrate to forward a position paper within 90 days of the passage of this legislation advising City Council on what City and/or Commonwealth legislative initiatives are needed in order to improve the process for constituents regarding problem properties. **(SPONSORED BY MR. RICCIARDI).**

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Ricciardi:

On behalf of Councilman Udin I would like to amend Bill 812, it should be before you. It is going to be lettered N. What is the process for enforcement of occupancy permits and are their re-inspections conducted for occupancy permits?

MR. FERLO seconded the motion.

Which motion prevailed.

The Chair:

Any additional discussion on the

bills?

Bills are now ready for final action. All in favor of the passage of the bills vote aye when your names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Ricciardi
	Mr. O'Connor
	(Pres't)

AYES Seven NOES None

Bills have received the legally required number of votes and are passed finally.

The Chair:

Moving to motions and resolutions.

MOTIONS AND RESOLUTIONS

I have a resolution for appointment of Allegheny Reapportionment Commission, we have three names.

MR. O'CONNOR PRESENTED:

No. 871 Submitting the following nominations as candidates for the Allegheny County Advisory Apportionment Commission, in accordance with Pennsylvania Act 12 of 1997:

Esther Bush
Barbara Daly Danko
Richard G. King

The City Clerk is instructed to provide the office of the County Manager with a copy of this resolution and a resume of each of the nominees.

MR. FERLO moved to approve the recommendations.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Ferlo:

I just ask that they formally communicate to all of Council, to the President some report regarding their activities on this apportionment committee.

The Chair:

Request they send the letter to us, copy to all Council members.

Mr. Ricciardi:

Also, I would like to ask them if they would please support and ask the committee itself if they would have a Public Hearing in these chambers that could be televised. It appears that one of the hearings that are going to be in the City of Pittsburgh I am not sure if bus transportation is accessible or is easy and I am not sure what the parking is at Conley Tech. So I think this would be a perfect place for one of the meetings.

The Chair:

We will send a letter and request that of the board.

Mr. Ferlo:

On another issue, Mr. President, members of Council, I don't like try to involve myself in School Board affairs. I do want to ask for a Post Agenda Meeting but I don't want it to be viewed by the public, by the School Board, or anyone else that I am meddling in their affairs. But I do think that to the extent that the City of Pittsburgh legally provides services and is obligated in terms of public safety rules and functions for school safety of children often times at intersections especially given the fact that school crossing guards are in our budget, I would like to ask respectfully for a cable cast Post Agenda Meeting on the issue of school bus transportation and school bus safety. Specifically looking at where the location and presence of school crossing guards are.

My particular concern is and I don't understand. I understand the School Board's desire to cut costs given their fat and bloated budget and it seems as though there is not a clear decision on their part as to how school bus transportation will happen. I am worried that it is happening not in a uniform coordinated equitable fashion but at somewhat happens stance.

I am particularly concerned with a number of residents in my Council District who go to the Perry Magnet Program Traditional Academy and who in the past had relied on school bus transportation, yellow school bus transportation from the neighborhood through downtown, to the Perry School. That's been discontinued

and now it involves the children getting up as early as five, 5:30 in the morning, having to wait in downtown locations early in the morning. It is dark out, waiting for a PAT shuttle that may or may not come. There are times when the security police have had to show up.

I would like to understand what is the School Board going through? What is their decision making process? I would like PAT to be a part of this meeting and our own Chief of Police and Head of the School Crossing Guards because I want to understand what our role and responsibility on bus and school safety versus the burdens and obligations of the school district. I would like to have some understanding from the School Board as to how they have decided what schools get what transportation. Why for instance and I am not suggesting they shouldn't have yellow school buses, as a matter of just equity.

I don't understand why the North Side residents who are closest to Perry get a yellow school bus, and others who have to travel multi neighborhoods, cross rivers through town have to take the PAT bus. I would think you would want to have the opposite just in terms of the practicality of getting to the school.

I am not saying that I want to see the North Side kids lose their yellow school bus. I just don't understand is it just traditional neighborhood politics of the School Board? Is there some equitable rhyme and reason? I don't know if it is thought out. It does effect me as a Council member. It does effect my residents. It does effect school. It does effect the Police Bureau and the School Crossing Guards, which is under our jurisdiction.

So I don't know if I am the only district that is experiencing this or if there are other colleagues who have similar kinds of concerns? My motion is that we have a cable cast Post Agenda Meeting with the school officials. I would like the Chief McNeilly and the head of the School Crossing Guards to be here. I would also like the Port Authority Transit to be here. My specific goal with PAT is I don't understand why PAT has to be locked into just the big buses running certain areas going through town. Given the fact that PAT has met new needs expressed by the University of Pittsburgh for school shuttle they have redesigned routes they have a smaller bus.

We have so many projects now in the city they are economic develop where people would like to go intra-neighborhood not just go, north, south, east, west, where everything ends up downtown. I am wondering could PAT maybe rethink this issue? If it is true the School Board is going to give up because the budget the school bus situation they want to rely on PAT. Can we at least have a discussion with PAT about reconfiguring in the future their runs? Maybe they need smaller shuttle busses that run and reflect what the school patterns are.

Instead of just everyone just jumping on the traditional 91A, or the 61 or the 70 line coming to town, everyone is deposited downtown and some of these kids, like I say, it is 5:30, 6:30, 7:00 in the morning. Some of these kids I know in Lawrenceville don't get back until 4:00, 4:30, 5:00. They have spent two thirds of the day. I don't know how they do any homework or study or have a part time job.

So again, I am not trying to say that we should get involved in all of the School Board politics, but do think this is an issue that directly effects the safety of our children and the city's jurisdiction.

Also from an advocacy point of view, I think if we teamed up with the School Board and would meet with PAT and try to get the Port Authority to look at this whole issue long range, I think Councilwoman McDonald former President knows this better than anybody. I have heard as much as 20 to \$22 million gets spent on bussing. If that is going to change, what role does Port Authority play? Can we maybe better define a system or PAT comes in and provides the transportation but on smaller busses that go intra-neighborhood and not everyone jump on the existing lines and get deposited downtown and then wait for the North Side run. I am just asking if we focus in on this issue in a post agenda forum.

Mr. Onorato:

I am all for the Post Agenda.

MR. ONORATO seconded the motion.

Which motion prevailed.

Mr. Onorato:

I want to make a friendly amendment because you don't have all the parties at the table. I have been very involved in this issue and it really has effected the North Side and maybe because of my involvement we have had some results. So I can sympathize with what Councilman Ferlo is talking about.

But the real culprit here and the real tragedy in all of this is that this might be the one time that it is not the School Board's fault. As you all know I am not beyond drawing the criticism because I am not crazy how the schools are run. However, what we need here is somebody from the legislator. There is a system that they set up in Harrisburg that deliberately undermines the School Board to make an appropriate decision. You have a system where the state has passed a law where they will give 100% reimbursement if they use Port Authority. They will give 40% to 50% reimbursement if they use a yellow bus. Now, you don't have to be a rocket scientist to figure out when you have a tight budget what choice you are going to pick.

What we need is the state law changed to give 100% reimbursement for whatever the School Board decides what is best for the children. Why are they in Harrisburg pushing to use Port Authority? Is this the way to subsidize Port Authority? Is this the way to build out the Port Authority? What is the Port Authority's lobbyist doing in Harrisburg? Are they up there lobbying to get 100% reimbursement for children at the expense of 40% reimbursement for the yellow bus company or the yellow bus companies that are out there? That is what we need to investigate.

There needs to be a story that someone needs to expose this because this is the big hidden tragedy of this particular area.

Then it gets even worse. It is not just 100% reimbursement for taking the kids to school. They give 100% reimbursement of your tax dollars and my

tax dollars to give a freebee pass 24 hours a day, seven days a week, 365 days a year. Well when I went to school and I had parents going to parochial schools and private schools, you go and you get transportation for the school, getting there and going home. You do not pay to go on a joy ride on the weekend, to go to an after school job, that is why you have Port Authority, subsidized transit. You pay the buck fifty, the buck seventy-five whatever the going rate is now to get to work.

We should not be paying for a free pass seven days a week, 24 hours a day and then on top of that you are congesting the downtown area because kids will be kids. If you drop the kids off at 2:30 in the afternoon on Wood Street and Fifth Avenue, don't expect these kids to hop on the 2:35 bus to go home. They are going to stay downtown and hang out just like I would if I had that opportunity and you would if you were that same age. Then what you have is you have the rush hour traffic at five, you have 4,000 kids roaming the streets in downtown Pittsburgh, it is a nightmare.

No one is planning this out and no one is speaking out about it. Tragedy is, Harrisburg has to change the law. We have to have someone from our public and leadership, someone from the democratic leadership in this area to be at this Post Agenda and to see what exactly is being lobbied in Harrisburg. Is the School Board actually pushing for this? Because the answer is very simple, if we change the funding and reimbursement to make it 100% regardless of what option is chosen by the School Board, then they can make the yellow bus. The residents in Councilman Ferlo's District can take the yellow bus to Perry along with all of our

neighborhoods.

But they are being forced to take Port Authority because Harrisburg holds the purse strings and is saying you do it my way or you don't get the money and that is wrong. Because the strategy that Harrisburg is pushing is a disaster and once again the students pay the price for an inadequate system.

I would suggest Councilman Ferlo's televised Post Agenda I always hear about this representative Ron Cowell who is leaving Harrisburg but he is they always say he is the educational representative. However, I disagree with most of his policies when it comes to trying to step away and being independent of the teachers union because I don't believe there is any independence there.

I want to know where his committee stands on this. He is supposedly Chair of this, where does he stand on the funding and who should we talk to this about once he is gone? Who should we be talking with up there? We can't let these guys have a free ride any more just because they stand up and say I believe in education and I am going to give money. Well if you are giving money for the wrong cause it is worthless and you are wasting my money. I don't appreciate it. We have to find out why they can't reimburse the yellow busses the same as they do Port Authority. Somebody in Harrisburg has to be accountable.

Mr. Ferlo:

First of all, I want to thank Councilman Onorato for his comments and suggestions. I would ask if he could please help me with the invitations list in

addition to Mr. Cowell or any other I think he has since left or is about to leave.

The Chair:

Could I interrupt you one moment? Actually it is hard to keep ahead of you. Tomorrow evening Ms. McDonald and I are meeting with the School Board to try to set up a forum not the issues you talked about, but to set up a forum with the School Board, us, and the legislators. How to set that forum is in motion to address all the concerns you two just brought out. I will have an answer probably this week.

Mr. Ferlo:

I think that's a good suggestion. I think it is important that we do have that forum. I don't think it conflicts to have a focused Post Agenda on just this transportation.

The Chair:

I certainly support your initiative especially when you are going around transportation, safety and crossing guards. That's a whole big issue.

But again, Mr. Onorato brings up a lot of the things we have to do, we can't do or the School Board can't do without Harrisburg's legislation initiative. I don't think we have ever shared the same forum and that is what we are trying to bring together outside of this forum.

Mr. Ferlo:

Thank you. Again, I also want to thank Councilman Onorato, because I know he has appeared several times at the

School Board just on this issue of the transportation and safety related issues for his own district. I want to thank him for that leadership.

It seems as though the board is split four, four with School Board member Schmidt. I think her position is that it should just be all Port Authority and not have any yellow school busses to make it fair.

On one hand that seems more equitable, fairer, and maybe cheaper but I am worried that in the end is that going to now defuse the success of the magnet program in terms of getting enough participation at the magnet school level? So I am not sure that is even necessarily the right answer either.

So, there are just so many politics involved it seems on the School Board on who gets what services depending on what school is in what School Board member's district. But I would ask that we extend the invitation obviously to the President and members of the School Board also to give us some advice on all of this.

Ms. McDonald:

I whole heartedly would support the Post Agenda and have it televised because I think the general public is very confused themselves as to what is the logic behind why some schools get yellow busses, why some schools the children have to ride Port Authority. There is a lot of debate about it. I have been through a bunch of debate and I think Councilman Onorato hit it right on the head, we are talking about a budgetary issue and we are talking about a non-sensible approach by Harrisburg as to how in the world our kids

get from A to B safely.

Why you would give 100% it has always been like that. Why the monthly pass in lieu of maybe just a daily basis is because it is more expensive. Much more expensive to do it that way so that the kids do not have that luxury of doing whatever they want to do and going where ever they want to go on Saturday and Sunday and days off. It is just more expensive to do it just for those school days versus a monthly pass that they can use for the entire month.

I look forward to the information and again I think that this also is going to help. It is not a slap at the School Board, and it is not meddling. I personally think that they need the arena of a public forum televised so that they can get their positions out so that there is some kind of reasoning made known to the public as to what really is going on. So, again, I look forward to the Post Agenda.

Mr. Ferlo:

Thank you very much.

The Chair:

Any other issues.

Mr. Ferlo:

Any objection to it being cable cast?

The Chair:

That was in the motion.

Mr. Onorato:

I want to remind everybody that

today there is as televised Post Agenda on the issue that I brought forward, the services in lieu of taxes. To see if there is a new way that we can approach the non-profits in the city and this could have a large potential impact on our budgetary problems both for 1999 and especially in the long haul significant dollars that can avoid fee increases.

The Chair:

We do need that in a form of a motion for the TV to have it cable cast.

Which motion prevailed.

The Chair:

We have a busy schedule this week and on the top of the agenda to follow up on Mr. Onorato's Post Agenda at 2 o'clock this afternoon on services in lieu of taxes. Tomorrow at two o'clock Mr. Diven has a Post Agenda concerning the fire fighters initiative, I am sorry, Wednesday. Thursday we have a Public Hearing at ten o'clock concerning the downtown bus services, and at 11:30 the Mayor's Conference Room, budget discussions and Friday at 10:30 we will have an Executive Session concerning our own Budget Director.

Ms. McDonald:

I just want for the City Clerk to clarify I have stamped October 7th as received it stated that the Public Hearing Thursday, October 15, is at two o'clock. Is it at two o'clock?

City Clerk:

It is at 10:00.

Ms. McDonald:

So this is a typo.

The Chair:

Following that would be the meeting with the Mayor.

Do I have motion to approve the minutes?

MR. HERTZBERG moved to approve the minutes.

MR. COHEN seconded the motion.

Which motion prevailed.

MR. HERTZBERG moved to excuse the absent.

MR. ONORATO seconded the motion.

Which motion prevailed.

MR. HERTZBERG moved to adjourn the meeting.

MS. MCDONALD seconded the motion.

And on the motion made by Mr. Hertzberg, the meeting adjourned.

ADDENDUM

Mr. Cohen's, Ms. McDonald's, and Mr. Hertzberg's comments on Bill No. 841 can be found in the Standing Committee Meeting minutes of October 7, 1998.

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MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXXII

October 20, 1998

No. 40

Municipal Record

ONE-HUNDRED THIRTIETH COUNCIL

BOB O'CONNOR.....President
LINDA M. JOHNSON-WASLER....City Clerk
JOHN R. MASCIO.....Deputy City Clerk

Pittsburgh, PA
Tuesday, October 20, 1998

PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Diven	Mr. Ricciardi
Mr. Ferlo	Mr. Udin
Mr. Hertzberg	Mr. O'Connor
Ms. McDonald	(Pres't)

The Chair:

Will you all please stand for the pledge of allegiance and remain standing for a moment of silent prayer for peace and hope throughout the world.

We have a very special guest Jennifer Faulk who is in the 12th grade at Westinghouse High School. She is a member of the Science and Math Program and she's also a Lieutenant Colonel in the ROTC program. She resides in Valerie McDonald's District, District, 9.

Jennifer Faulk:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all.

The Chair:

Jennifer, we have a gift, a flag of our city and country for you. Thanks for coming down. You represent your school and country very well.

Also, I might want to inform you Councilman Diven will not be here. He's a Pallbearer for the funeral this morning of Jim Mitchell. A well known Pittsburgher and owns the Mitchell's Restaurant. We will excuse him for that and send our prayers and wishes to the family.

We have very many special guests in the audience today.

PRESENTATIONS

Mr. Ferlo:

I would like all of our Main Street guests to come forward here today from various businesses throughout our neighborhoods, some of the community development groups, some of the business development groups, we have some familiar faces coming forward.

As you can see from the activity in

the lobby of the City County Building, today and tomorrow is an important day in the lives of these neighborhood based groups that are working so hard to revitalize our neighborhoods. We are trying to continue the social commitment and legislative commitment that this Council has made in the past and hopefully will continue.

The resolution I am about to read is not a Jim Ferlo resolution; it is really a resolution of all of our colleagues on City Council. So while I am up here reading it, I want to make it clear that this Council at least as long as I have been here including everyone of the colleagues in front of me has been nothing but supportive of each and everyone of the various loan and grant and development programs that have been in place working to assist the community development groups that you see to my left.

We wanted to even strengthen and build on that relationship as we go into the 1999 capital, CDBG and operating budget. So on behalf of my colleagues, I would like to read the following.

MR. FERLO AND ALL COUNCIL MEMBERSPRESENT:

No. 872 WHEREAS, "Celebrate Main Streets of Pittsburgh" is a two day celebration to be held from Tuesday, October 20, 1998 to Wednesday October 21, 1998 in the lobby of Pittsburgh's City County Building; and

WHEREAS, the goals of the celebration are to showcase Pittsburgh's neighborhood business districts, to demonstrate the positive economic impact of business district revitalization in

Pittsburgh, to build support for the establishment of a five year program and funding mechanism as part of the 1999 City of Pittsburgh Annual Budget that establishes a minimum baseline investment of \$1.6 million for 1999 and beyond in revitalization programs such as Streetface, Public Space Improvements and Promotion and Marketing to support continuing improvement in our neighborhood business districts; and

WHEREAS, this funding and program initiative was developed and supported by the following neighborhood organizations: the Allentown Business Association, the Bloomfield Business Association and the Bloomfield Citizens Council, the Bloomfield Garfield Corporation, East Liberty Development, Inc., the Homewood Brushton Revitalization and Development Corporation, the Lawrenceville Business Association and the Lawrenceville Development Corporation, the Lincoln Larimer Citizens Association, the Mt. Oliver Chamber of Commerce, the Mt. Washington CDC, the Northside Leadership Conference and Northside City Shops, the Oakland Planning & Development Corporation, the Pittsburgh Community Reinvestment Group, the Penn Main Business Association, the South Side Local Development Corporation and the West End/Elliott Joint Project, Inc.; and

WHEREAS, an Awards Celebration to honor each neighborhood business district's "Success Story of the Year" will take place in the lobby of the City-County Building on Tuesday, October 20, from 4:30 PM to 6:00 PM;

NOW, THEREFORE, LET IT BE RESOLVED, that the Council of the City of Pittsburgh does wish to commend the named organizations and their volunteer boards of directors for their work to revitalize their neighborhoods and the City of Pittsburgh by strengthening their respective neighborhood business districts through efforts to secure private and public sector investment, create jobs, improve business district infrastructure and stabilize historic business districts; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh wishes to recognize all small business owners who operate businesses in the neighborhood business districts and make significant contributions to the well-being of the City through their continued investment in their properties, the jobs they create, the taxes they pay, and the financial contributions they make to neighborhood programs; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh voices its strong support to fund a minimum of \$1.6 million dollars in the 1999 City budget for the first of a five year commitment to the Neighborhood Business District Revitalization Program to be implemented in conjunction with the downtown business investments.

MR. HERTZBERG moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Ferlo:

I think the proclamation certainly

is long winded and it is self-explanatory but I think it really capsulizes in a way all the different initiatives that have been underway for a significant number of years.

The folks to my left some of them are staff, many of them are volunteers, some of them actually run small businesses at the neighborhood level. When we keep talking as we continually say about how important the role of small business is to our economy and how in the end that so many jobs and so much income is generated from the smaller business sector class, I think it's important that we recognize the tremendous commitment that we made in the past but recognize that we need to do more.

When we look at the various programs that these folks have been involved in and I can speak for my own Council District, and I know everyone of you have been involved at your own parochial level. To your credit we really have begun to change the face of the neighborhood business district. It's meant beautification and maintenance and restoration of historical buildings. It has meant more jobs and income at the neighborhood level.

I have often commented I don't know anybody that works on Second Avenue Technology Center but I know hundreds of people that work at the neighborhood level in the smaller to mid size companies and businesses in my Council District. I use it as a contrast to say that proof is in the pudding.

So when we come to prioritizing our block grant, our operating dollars, our partnership and this is not a Jim Ferlo

speech, I think everybody on this Council has continually and eloquently stated these principles about how important this partnership is. I think Council is correct in beginning to talk about maintaining an equity of investment to the downtown corridor and not getting into a thing where neighborhood versus downtown, but at least recognizing that we have a commitment to our communities and to our neighborhoods at the grassroots level.

So we want to minimally maintain the partnership we have started and have worked so hard on. The proof is in the pudding. We have seen the statistics on Streetface, where a smaller amount of public investment has generated such a larger amount of money of private sector and money that is not the public dollar but generating lots of other kinds of employment and business activity. So that's just one of several programs that has got to be a part of this five-year program.

So at this time I would like to turn and maybe have several of the other representatives introduce themselves and speak. Also, I know a number of my colleagues probably want to also talk about the issues.

We thought it was very appropriate and timely that the celebration happen now in the lobby of the City County Building. I think the groups have extended an invitation to all of our colleagues to try to be down there later today. We would like you to be involved and recognized in the respective business in your district. We just want to thank all of Council for the past commitment, and I know for the commitment that we are going to make into the future.

Ms. McQuillan:

I just want to thank Councilman Ferlo and City Council for your support. We have done a lot of work in our business districts but there is a lot more to be done. So thank you very much.

Mr. Breck:

Paul Breck representing the East Liberty Chamber of Commerce and the East Liberty Development saying thank you for this.

Ms. White:

Rebecca White, Lawrenceville Business Association, and also Lawrenceville Development Corporation for those of you who know us, we are merging any day now. But I want to thank Councilman Ferlo and all of you for listening to us and we appreciate what happens in our neighborhood business districts. Thank you.

Mr. Foley:

I am Jim Foley, President of the Lawrenceville Business Association and I would like to thank Councilman Ferlo and the city for the turnabout that we had in Lawrenceville or have in Lawrenceville. I have seen it when people were walking the streets; the businesses are all open. I have seen it when nobody was on the streets. Now I see it again people walking up and down the streets, more and more businesses. Thank you very much.

Mr. Stefanie:

Rob Stefanie, staff of the Bloomfield Garfield Corporation. I

genuinely appreciate the opportunity provided us today. I think our main streets are really the front faces to all of our neighborhoods in a vibrant, healthy, and safe place to work and to live, is really imperative. It happens on main street. Thank you very much.

Mr. Onorato:

If I could just add I just wanted to thank Councilman Ferlo for bringing this resolution forward. I know he has been outspoken on this. I agree with him a 110 percent that the main street and the Streetfacing and all of those other programs that we do here for the small business districts are important and vital. I am going to do everything I can to make sure the money is in the budget.

It is one of the few programs I can point to in my district that actually has had an impact outside of the major development areas. I have a drugstore on Perrysville Avenue that is now just gorgeous and the spin-off effect has been unbelievable. We have four other Streetfaces taking place now.

I have a bar restaurant that no one would have even touched; it is now doing a great business for lunch and dinner. I can go on and on and on with these examples. But the most important thing about this program that I like is that I have always been impressed by the quality, the quality that the Streetface Program and how they bring it back to match the architectural design of the period the building was built, it is unbelievable. I haven't seen anything that can match the quality of this program. I go through Liberty Avenue and I can see what they did to Dells for example or what they have

done to these frontings, it is unbelievable. If they keep that kind of quality up, it is something we have to fund. So, keep up the good work.

Mr. Cohen:

I want to commend all of you for putting this together, this very creative celebration for our neighborhood business district. Councilman Ferlo who has taken the lead on this Council for many, many years on this issue and certainly this year has taken a particularly active role to try to restore the funding for the Streetface Program in particular. I think it is a great idea.

It's really kind of one leg of the three legged stools when we talk about revitalizing our neighborhoods and that means residential revitalization, infrastructure streets, walls, steps, etc, and of course our business districts which are so very important. I love the idea of calling it main streets because in smaller towns they have one main street right, well in our town we have probably 30 of them.

I was just going through, I have got at least six in my own district and it is a great way to put it into context that everyone of these is like a little town with an important neighborhood business district.

I just want to thank you for your creativity and will certainly work with you during this budget.

Mr. Ricciardi:

Thank you. I would like to also take this opportunity to thank and commend all of you for your fine work.

We have such a unique city with such strong neighborhoods. We have a nice balance between our business districts and residential communities and our business districts are an integral part of the neighborhoods. It is just a spin-off maybe once a little in semantics concerning what the sponsor of the bill, Mr. Ferlo, said that we should not have competition between the neighborhood business districts and the City of Pittsburgh or downtown business, the central business district.

I sort of disagree with that. I think we need competition now. I think we are coming up short in the neighborhood traditional business districts are coming up short. Look at the number of TIF's; also look at the amount of money the \$80 million in addition to the TIF's of certain projects.

So I think right now yes we need competition because we lost the balance. I think that's what your rally is going to point out. I think that's what the legislation that Mr. Diven and I have sponsored is trying to point out.

Also on another note, you really have someone who is taking the leadership role in many of your issues and that's Councilman Ferlo. I think you did a wonderful job on the Streetface working with the state department. But people say there should not be competition. In the past I would have said that, but yes we do need competition now because the traditional business districts are losing in terms of the importance that the administration and the URA has in comparison to their big name projects. Thank you.

The Chair:

One other thing, I might add to it, I second everything that was said and living in the city and seeing so many good neighborhood businesses and being a small businessman myself at one time. You can actually see the difference that I think the high quality of residential and business community makes to that community.

I see one hidden aspect maybe as you said in Lawrenceville at one time they were closed, when businesses were open and thriving and the people. Activity crime goes down, you feel safer. There are all those issues that help and probably the music to my ears the most is when I hear people say, gee I don't have to go to the mall anymore I can go right down to my neighborhood business area and get almost everything I need. So, thank you all for your hard work.

Ms. White:

We would like to extend a personal invitation to each City Council member, as well as any of the public who might be watching. At 4:30 today in the lobby of the City County Building we will have our Celebrate Main Street Celebration. We will be explaining more about what we are doing, but most importantly we will be awarding small business people from each neighborhood as the business district success story of the year. We hope each Council member can be there to present the awards and certificates for their neighborhood. Thank you so much.

Mr. Ferlo:

Thank you, colleagues. Again that was a proclamation on behalf of all us and not myself.

We have some guests in the audience this morning that I have a great working relationship with from the Lawrenceville Community if they can come forward from the Lawrenceville BlockWatch Network, and Lawrenceville Citizens Council and one of our trick or treaters, little Mikko you can come forward too. I tried to get him to do the pledge of allegiance, but he was too bashful today.

I think a lot of people know Sheila Titus and Jimmy Jenco from the Lawrenceville BlockWatch Network and Lena is very active in the Lawrenceville Citizens Council and so many other groups, Meals on Wheels, and Golden Carriage and Saint Francis. It would probably take me a half-hour to list all of the service groups that she works with, and her grandson here, Mikko.

I think like a lot of us that represent different neighborhoods we can be proud that we have some great and festive Halloween events at the neighborhood level. I know each one of us can tell some important neighborhood event focused around the Halloween theme. I wanted to start a tradition of trying to bring some of our hard working volunteers and the organizations down each year. I would like to try to get Bloomfield down next year and maybe have each neighborhood group represented because in my district four or five different neighborhoods have events of one sort or another but a great proud tradition has begun again in Lawrenceville. This will be the ninth annual event.

I want to read this proclamation and just highlight and promote the event but also pay tribute to the hard work that

these folks do.

So, I would like to read the following proclamation.

MR. FERLO PRESENTS:

No. 873 WHEREAS, the 9th Annual Lawrenceville Halloween Parade and Fright Night will take place on Monday, October 26th beginning at 7:00; and

WHEREAS, the Lawrenceville Halloween Parade and Fright Night has become a tradition in the neighborhood for nearly a decade providing the opportunity to showcase the Lawrenceville community while creating a festive, safe and enjoyable entertainment venue for community children and their families while distributing thousands of Trick or Treat bags to neighborhood children; and

WHEREAS, the Halloween Parade and Fright Night would not be possible without the tireless efforts of the members of the Lawrenceville Halloween Parade Committee who have volunteered a countless number of hours organizing the parade, soliciting donations, filling Trick or Treat bags for the children, and being involved in all of the details of an event with several thousand participants; and

WHEREAS, the annual \$5,000 budget for the Parade and Fright Night primarily come from merchant donations, Bar Boosters and Family Boosters representing a truly community based fundraising effort; and

WHEREAS, the Lawrenceville Halloween Parade Committee brings together many community minded

individuals and organizations including, among others, the Lawrenceville BlockWatch Network, the Lawrenceville Citizens Council and the Lawrenceville Business Association;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes the hard work of the Lawrenceville Halloween Parade Committee and wishes to sincerely thank them for their many efforts on behalf of their neighborhood and its children;

MS. MCDONALD moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Ferlo:

Thank you very much. I think again while the proclamation is the self-explanatory, and I know a lot of us are familiar with the Bloomfield Parade. They have an equally hard working group of volunteers and their parade is going to be on Thursday, October 29 this year at 7:30 from the traditional parade route of the old Bloomfield Moose on down to the Bloomfield Bridge Tavern.

Lawrenceville's parade has become institutionalized now beginning at Doughboy roughly at 34, 35th Street, and Butler, ending up just past the Boys and Girls Club at 46th and Butler. There is some contrast in the two parades, they are both great events. Unlike most parades our parade in Lawrenceville, several thousand children actually march in the parade along with all the bands and floats and everyone else. It is kind of a unique

situation.

Also, unlike most parades that just end at the end of the parade, our parade ends and we have a decorated fright night, a haunted house at the Boys and Girls Club Gym. Several thousand kids go through that fright night for free and at the end they all get a hefty trick or treat bag. It is safe; parents don't have to worry about where the candy came from, and all of that.

So it is a great event, and it takes a tremendous amount of work. There are over eight major bands that are playing this year. I do want to thank all the high schools like Carrick and Peabody and the other schools participating along with the bands that come forward and all the floats and everyone else. But it doesn't happen without a lot of hard work by some hard working people. Mrs. Titus and Jimmy Genco and Lena kind of epitomize a group of about 30 other folks that work very hard to do all the details.

We just wanted to highlight and promote the event, which will be on the 26th in Lawrenceville and invite all of our neighbors to be down there with their kids. We have invited the Mayor and all the elected officials to participate. All of my colleagues are welcome to come and see how a parade really is run and a fright night is really run.

But at this time, I wanted to ask maybe Lena or Jimmy or Sheila to say a few words.

Ms. Titus:

I just want to thank everybody. I mean we have had this for nine years now.

We fill 2,500 bags every year and we always have a lot we give out to everybody. But we have to thank Jim because without him we wouldn't do nothing. He helps us every way with everything and everybody else says so too. So thank you, and Yarone too.

Mr. Genco:

Jim Genco, Lawrenceville. I would like to thank Jim Ferlo and also Council for all the help you have helped us out with through the years.

I hope to see you there. It is a very safe event for the kids, which today is very important and I am very proud to be involved in this every year. Thank you.

Ms. Hotujec:

I am Lena Hotujec, I am from the Lawrenceville Citizens Council and this is the 9th year that Mr. Ferlo has sponsored our parade, with the help of a lot of volunteers. Without him, Lawrenceville will never come alive on this fun evening. We want to invite you all to our parade and not only does he have a Halloween Parade, he also has an Easter Parade.

The Easter Parade I think is much bigger because he has maybe a thousand kids at that parade that come just for an afternoon. He does very good work in Lawrenceville and we want to thank him very much for bringing us alive.

Mr. Ferlo:

That's the first time I have ever heard her speak and not put in a plug for the new Shop'n Save on Butler Street.

The Chair:

How about Nicholas, does he want to say anything?

That is a tremendous event. I look forward to it every year.

Mr. Udin:

I would like to call Betty Lynn Simms and Ms. Parker up please. Thank you.

Colleagues, this weekend we celebrated the 50th Anniversary of one of the oldest neighborhood clubs in the city, the Schenley Heights Neighborhood Club. Actually, the Schenley Heights Neighborhood Club is a derivative of the Aurora Reading Club, which goes back to the turn of the century.

Schenley Heights is a neighborhood in the Hill District that has been the kind of solid rock foundation of the whole Hill District community and has contributed a great deal to not only the Schenley Heights neighborhood but to the whole of the Hill District and indeed the City of Pittsburgh.

The activities of the Schenley Heights Neighborhood Club focus mainly on developing and nurturing leadership within the community with a sense of serving the community and serving the public, serving the city. I know that Betty Lynn's mom retired from the city. She spent many years serving the city back when recreation centers used to exist. Does anyone remember recreation centers?

The people who lead recreation centers were like surrogate parents. They

raised kids and made sure that when we went to the recreation center we behaved ourselves and learned the important things in life, priorities etc. and certainly I am sure that many of you remember the years of service history Ms. Parker has provided to this city.

Schenley Heights has produced leadership for this city such as Homer and Wilamina Brown, the parents of Bernard Brown, the Williams family including Frank and Jackie Williams and Thelma Williams Lovitt as well as the other Williams sisters like Edna and Annie and Lois. A large family with a large heart and dedication to the community and to the city as well as producing people like Louis Mason and George Shields and Jake Milliones and Christopher Smith and Bill Robinson.

All of these leaders in the city came from the Schenley Heights community and were nurtured by the Schenley Heights Neighborhood Club. So I am indeed proud to be able to honor the Schenley Heights Neighborhood Club on its 50th Anniversary and to have Ms. Simms and Ms. Parker with us today. I would like to read the proclamation and then hear from them.

MR. UDIN PRESENTS:

No. 874 WHEREAS, the Schenley Heights Neighborhood Club was organized on October, 12, 1948 in the home of Mrs. Julia Leach, and;

WHEREAS, the Schenley Heights Neighborhood Club is a Life Member of the Pittsburgh NAACP and;

WHEREAS, the Schenley Heights Neighborhood Club has made contributions to Youth through granting memberships to the YMCA to enable boys to attend camp. Encouraged neighborhood beautification by way of lawn and holiday light contests. Sends cards to the sick and monetary gifts to the sorrowing and;

WHEREAS, the Schenley Heights Neighborhood Club has contributed to scholarships to help college students, supported the Hill House and team teaching by collecting magazines and;

WHEREAS, the Schenley Heights Neighborhood Club continues to make regular contributions to the Martin Luther King, Jr. Reading Cultural Center and has supported membership drives for the Reading Center.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh declares Sunday, October 18, 1998, **SCHENLEY HEIGHTS NEIGHBORHOOD CLUB DAY**, in the City of Pittsburgh as they celebrate 50 years of service to the community.

MS. MCDONALD moved to adopt the resolution.

MR. FERLO seconded the motion.

Which motion prevailed.

Mr. Udin:

I would like to invite the President of the Schenley Heights Neighborhood Club, Ms. Betty Lynn Simms.

Ms. Simms:

My name is Betty Lynn Simms. I am the President of the Schenley Heights Neighborhood Club. It is an honor to accept this proclamation. I have known Councilman Udin a lot of years. We were neighbors in the Hill District.

The Schenley Heights Neighborhood Club certainly does strive to continue and what we have done in the past and that is promote leadership, encourage the community because it does take an entire village to raise a child. So we do indeed encourage community participation. We are striving to get that reading center built along with the cultural center committee so that we can further educate our children because that's where it lies.

If we can keep our community alive, and I am pleased to say that I have to say it in a hurry, that the club is a little older than I am. But thank you so very much for this proclamation. I sincerely hope we will be celebrating 100 years soon.

Ms. Parker:

I am Dorothy Parker. I didn't work for the city I worked for the county for 20 years.

I am very thankful to Mr. Udin and Council for allowing us to have this wonderful occasion to be with everyone today. Our oldest member in our club is 100 years old, young I should say because she gets around better than some of us who are much younger than her. We are blessed to have her. I want to thank Council again for everything. Thank you.

Mr. O'Connor:

Laura Jordan from the Filmmakers please come up.

Mr. Cohen, you're very active, why don't you come up with us. You have been very helpful and this is co-sponsored by all Council members.

Laura is the Director of the filmmakers, Pittsburgh Filmmakers and it is an exciting organization. It's been around longer than I realized. I would like to read the proclamation to you.

MR. O'CONNOR AND ALL MEMBERS OF COUNCIL PRESENT:

No. 875 WHEREAS, the Pittsburgh Filmmakers was created in 1971 as a non-profit equipment access center for independent filmmakers and photographers in Western Pennsylvania; and,

WHEREAS, the Pittsburgh Filmmakers is dedicated to the artist and the advancement of artistic excellence in film, video, photographic expression and other related media, and accomplishes this through education programs, public exhibitions and resources provided to non-commercial artist members; and,

WHEREAS, the Pittsburgh Filmmakers is also committed to educating the public about the art of film and filmmaking, while also making film and photography more accessible to the public through classes and exhibitions; and,

WHEREAS, the Pittsburgh Filmmakers will be hosting the 1998 National Conference for the National Alliance for Media Arts and Culture (NAMAC) from October 21st through October 25, 1998 and will host an

incredibly diverse range of people from the media arts field including filmmakers, producers, and curators from cultural institutions such as the Smithsonian and the Museum of Modern Art; and,

WHEREAS, NAMAC is a non-profit umbrella organization for independent media arts: film, video, photography, audio and new multi-media technologies; and,

WHEREAS, the NAMAC Conference is an excellent opportunity to showcase the City of Pittsburgh as a notable, unique and distinct city, with a very rich history in the media arts.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby extend to the Pittsburgh Filmmakers its deep appreciation for their continued service and dedication to independent filmmaking and the City of Pittsburgh; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh extends its best wishes to the 1998 National Conference for the National Alliance for Media Arts and Culture and hereby proclaims October 20, 1998, as, "Pittsburgh Filmmakers / NAMAC Day" in the City of Pittsburgh.

MS. MCDONALD moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Laura, there are a lot of exciting things going on. Do you want to say a few

words and then I will let Mr. Cohen.

Ms. Jordan:

My name is Laura Jordan, Pittsburgh Filmmakers. Thank you, Council. On behalf of all of the staff of the Pittsburgh Filmmakers we are very proud of our city and we look forward to this opportunity to show it off to independent filmmakers from all over the country. Thank you.

Mr. Cohen:

Thanks, Bob, I appreciate it. You may or may not have noticed that the East End among other aspects too it is also becoming an artist colony. By that I mean there are a lot of things that are going on for artists. Things like the Constantine Pontiac Building in Valerie McDonald's District. It is the artists and city's project. The old Fire Arms Unlimited Building which now has been turned into ten live work lofts for artists, the Dance Alloy, which is not far away in Friendship on Penn Avenue and one of the shining lights of this, of course, is Pittsburgh Filmmakers.

They have done a remarkable job. If you haven't seen them on Melwood Avenue, go over and take a look and see what they have done. It is amazing. That part of Melwood Avenue is a very active street. It is because the University of Pittsburgh has its storage area there, there are a lot of students that live around there and Pittsburgh Filmmakers really does a remarkable job.

I hope that you will be able to expand soon into the building right next door and hopefully the city can help you

do that. This, I think, would be referred to as a neighborhood based TIF or a neighborhood based financial assistance that really does help a neighborhood like the Oakland area where the Pittsburgh Filmmakers is. Thanks so much for all your work.

The Chair:

I want to make sure I recognize Barbie Jenkins from my office who is very active. I think she got her start as an intern with you and she is doing a great job for us. Thanks.

The Chair:

We have one or two to be read into the record.

MS. MCDONALD PRESENTS:

No. 876 WHEREAS, Reverend Doctor George A. Fitch, will retire from Homewood A.M.E. Zion Church after 31 years of dedicated service to his congregation and the community; and

WHEREAS, Reverend Doctor George A. Fitch was born in Elmira, New York, on December 6, 1924. He moved to Philadelphia upon his graduation from Elmira Free Academy and was employed by the Philadelphia Navy Yard. Subsequently, he felt a calling into the ministry and pursued his higher education at the University of California at Berkeley; and

WHEREAS, After the completion of Seminary training, Reverend Doctor George A. Fitch was ordained by the late Bishop W.C. Brown, in San Francisco, California, in December 1945. Later he

attended Livingstone College, the A.M.E. Zion denominational institution of higher learning where in 1981 Reverend Fitch, as he is known throughout the community, was awarded the Doctor of Divinity in commemoration of his successful pastoral career; and

WHEREAS, Reverend Fitch gained his pastoral leadership and experience at churches in Oakland, California; North Wilkesboro, North Carolina; Pittsburgh, Pennsylvania; and Massillon, Ohio, before being appointed as the Pastor of Homewood A.M.E. Zion Church, in March 1967; and

WHEREAS, Reverend Fitch has served on numerous boards and has received many awards over the years which include: Operation Better Block (President for the past twenty-three years), past member of the Human Relations Commission, former President of the Homewood-Brushton Ministerial Alliance. He has been awarded the Man of the Year Award by the Ohio Urban League, Humanitarian Award from the Thunderherds and Minister of the Year by the Gallant Ladies Charity Club;

WHEREAS, Reverend Fitch is the loving husband to Carrie Mae Fitch. Together they are the proud parents to three children, George Fitch, Jr., of Houston, Texas; Darrel Wesley Fitch, and Valerie Walls, both of Pittsburgh, PA. Reverend Doctor and Mrs. Fitch are also the proud grandparents of five grandchildren, and three great grandchildren.

NOW, THEREFORE, BE IT RESOLVED, that the Council in the City of Pittsburgh recognizes and commends

Reverend Doctor George A. Fitch for 31 years of loyalty, dedication and devotion to Homewood A.M.E. Zion Church, the Community and to the City of Pittsburgh.

MS. MCDONALD moved to adopt the resolution.

MR. FERLO seconded the motion.

Which motion prevailed.

MR. ONORATO PRESENTS:

No. 877 WHEREAS, the National Italian American Foundation is the major advocate in Washington, D.C. for an estimated 20 million Italian Americans, the nation's fifth largest ethnic group. Its mission is to preserve and protect Italian American heritage and culture; and

WHEREAS, the National Italian American Foundation welcomes the Honorary Remo Gaspari, Professor Vincenzo Del Colle and Mr. Isidoro Nicolo to the City of Pittsburgh and is honored by their presence here; and

WHEREAS, Mr. Gaspari is the former Secretary of Defense in Italy, and has held many cabinet posts in the Italian government, including that of Minister 12 times. He is originally from the Gissi, Chieti region of Abruzzo; and

WHEREAS, Mr. Gaspari has contributed strongly to the development of Italy, in particular, the region of Abruzzo. He has helped to make it rise to become the most advanced region economically in the south-center of Italy; and

WHEREAS, the Advisory committee of the National Italian

American Foundation is honoring Mr. Gaspari for his 53 years of outstanding political life as a member of the Italian Parliament; and

WHEREAS, Professor Del Colle, the Secretary of Health is visiting from the Abruzzo region of Italy and is being honored for his involvement in the political life of Italy and for his administrative capability on behalf of the region of Abruzzo; and

WHEREAS, Mr. Nicolo is the CEO of Isenco and the former Mayor of the City of Ripateatini, Chieti. The NIAF recognizes his commitment to the growth of this region; and

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby welcomes Mr. Remo Gaspari, Professor Vincenzo Del Colle, and Mr. Isidoro Nicolo to our fair City and congratulates and commends them for their work in helping to develop the Abruzzo region of Italy.

MR. ONORATO moved to adopt the resolution.

MS. MCDONALD seconded the motion.

Which motion prevailed.

The Chair:

Now move to presentation of papers.

MR. HERTZBERG PRESENTED:

No. 878 Resolution transferring the amount of \$4,000 from Sub Class: 010, Salaries, City Council, Account: 511000,

Org: 101100, Fund: 1000, Budget Year: 1998 to Sub Class 150, Miscellaneous Services, City Council, Account: 526125, Org: 101100, Fund: 1000, Budget Year: 1998. The purpose of this transfer is to pay for expenses relative to the District Office in Council District #2. (SPONSORED BY MR. HERTZBERG)

Which was read and referred to the Committee on Finance and Budget

MS. MCDONALD PRESENTED:

No. 879 Resolution authorizing the issuance of a warrant in favor of the Richard S. Caliguiri Amyloidosis Foundation in the amount of Nine Thousand Five Hundred Sixty Seven Dollars (\$9,567.00) in connection with the 1998 Great Race in the Department of Parks and Recreation, without previous authority of law; and providing for the payment thereof, not to exceed Nine Thousand Five Hundred Sixty Seven Dollars (\$9,567.00) in connection with the 1998 Great Race, chargeable to and payable from Account 525500, Fund 7314, Organization 523000, Subclass 600, Year 1998, in the Department of Parks and Recreation.

Which was read and referred to the Committee on Finance and Budget.

MR. ONORATO PRESENTED:

No. 880 Resolution authorizing and directing the Controller of the City of Pittsburgh to perform a review regarding the collection of the City Of Pittsburgh Amusement tax. (SPONSORED BY MR. ONORATO)

Which was read and referred to the Committee on Finance and Budget.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. FERLO seconded the motion.

Which motion prevailed.

MR. UDIN PRESENTED:

No. 881 Resolution transferring the amount of \$4,000 from: Sub Class: 010, Salaries, City Clerk's Office, Account: 511000, Org: 101200, Fund: 1000, Budget Year: 1998, to: Sub Class: 030, Education & Training, City Council, Account: 564300, Org: 101100, Fund: 1000, Budget Year: 1998. (SPONSORED BY MR. UDIN)

MR. UDIN moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced, so the bill will be on the agenda this Wednesday.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

Also,

No. 882 An Ordinance amending the Pittsburgh Code, Title 1-Administration, Chapter 161-Contracts, adding section 161.32- Pittsburgh Works!, requiring a certain percentage of all project work hours on certain City of Pittsburgh

construction contracts to be performed by City of Pittsburgh residents, creating the Office of Contract Compliance, and providing for enforcement, due process, and penalties for violations.
(SPONSORED BY MR. UDIN)

No. 883 Resolution providing for the issuance of a \$2,137.91 warrant in favor of John T. Bronson, 222 Kearsarge Street, Pittsburgh, PA 15211, in settlement of a claim for vehicle damage due to a City Public Works truck on July 17, 1998, and the issuance of a \$937.75 warrant in favor of Treasurer, City of Pittsburgh in satisfaction of delinquent Real Estate taxes for \$816.12 and \$121.63 for delinquent Sewage owed by Mr. Bronson.

No. 884 Resolution transferring the amount of \$2,000.00 from Rent-Copiers Account, Fund 1000, Organization 102000, Sub Class 140, Budget Year 1998, Account 560200 to the Miscellaneous Services Account, Fund 1000, Organization 102000, Sub Class 150, Budget Year 1998, Account 525500 in order to restore funding to Sub/Class 150.

Which were read and referred to the Committee on Finance and Budget.

MR. O'CONNOR PRESENTED:

No. 885 A communication from Jacqueline Morrow, City Solicitor, submitting summaries of all claims filed and paid in September of 1998 and the total of all claims filed and paid through the third quarter of 1998 pursuant to the amendments to Section 163 of the Pittsburgh code.

MR. HERTZBERG moved to receive

and file.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

The Chair:

Any unfinished business to come in front of Council?

UNFINISHED BUSINESS

Mr. Udin:

With your permission, Mr. President, I would just like a moment of personal privilege to just announce that today we introduced, I think, a very important piece of legislation called Pittsburgh Works. It is a piece of legislation that all members of Council have been very helpful in contributing to as well as the Solicitor's Office. The bill will require if it is passed that 50% of all work hours performed in construction with support by tax dollars will go to residents of the City of Pittsburgh.

As you know, Mr. President, there is a windfall of construction that is promised to the city. It can make a tremendous difference in the lives of many people in the City of Pittsburgh. People who are looking for ways to work and support their families and are frustrated by watching suburbanites and people from West Virginia and Ohio come in and leave town every day with well paying construction jobs. It is an opportunity to create some balance and fairness in the distribution of jobs so that Pittsburgh residents can benefit from their own renaissance. It is also a work in progress and it is not quite finished yet.

I intend to have at least two public hearings. I am hopeful that all members of Council can find a way to contribute to it in such a way that will allow their co-sponsorship and it's ultimate unanimous passage. Thank you, Mr. President.

The Chair:

Thank you Mr. Mr. Udin. Anything else under unfinished business?

Mr. Onorato:

Just briefly, on a different issue. On the bill that I waived rule eight on, a couple of my colleagues, will be up tomorrow. I know it is more under time pressure because of the budget.

I am just calling on the Controller and I will be talking with him. The lawsuit that was filed by the Mayor last week trying to collect the \$800,000 to a million dollars that the Penguins owe to us in amusement taxes, I mean the red flag shot up for me and I am sure it did for you. Is that the only organization not paying this tax?

I want a complete review immediately of who is on the list? What they're paying? Are they paying their fair share? And who is not on the list, because this might be our budget answer. If we are talking eight hundred thousand for one entity, we might find another million or two that should be paying this. So what I am asking for on my bill, is to have a report back and I am using the word review in the accounting profession. Review is not as intense as an audit, but it can be done quickly.

We can have it by the first week of December and possibly avoid any of this if we find out money is owed. I think that my guess is that the Penguins are not an anomaly. I can't believe that is the only one out there. I think there is an issue here of why wasn't that collected? That is the question we should be asking. We have a collection department that let \$800,000 sit on the table. I want to know why that happened?

We should find out if there is a problem in the system, let's fix it and that's what I am getting at here. Obviously I don't know about you, I didn't know we didn't collect from the Penguins a million dollars. If anyone else new that, please let me know. To find out this way really does not give me comfort in our collection at this point and there is something out there that we should be collecting.

Mr. Ferlo:

I was going to speak on this issue at the end of the meeting but Councilman Onorato has introduced a resolution requesting and directing the Controller if I understand it to do a performance audit over all of the amusement tax revenue. I whole-heartedly support that.

I think the administration was quite slick last week in getting ahead of the eight ball on this whole issue of the amusement tax. It is almost like they threw their hands up with a great oh, I can't believe we didn't collect this tax. Now maybe and he looked so militant, and they really passed themselves off great as having nothing to do with the debacle that happened regarding the fact that we haven't collected the amusement tax. They pulled the PR coo of the century as far as I

am concerned.

When I saw the media my first question was who the heck is in charge of city government? Why wasn't the tax collected? Every other non-profit group that I have ever worked with has been harassed to death including many in the cultural trust community, including small theaters at the neighborhood level to pay that tax even ahead of time prior to the quarterly deadline. They have to prepay the revenue. Who is sleeping presumably for possibly up to a year by not collecting this tax? I am dumbfounded.

I think we should have an immediate Post Agenda Meeting on this or use the Onorato resolution as a way to bring the folks to the table. But I am not letting the administration off the hook. I mean they pulled a great PR scam last week and got off scot-free. I can't believe what I heard on the media. If it is all true and I have seen even our budget whatever his name - Hennigan, I don't know if he is the Budget Director, the Finance Director, whatever the heck he is. He has at least stated publicly that the only amusement tax revenue that has not been collected is the Penguins.

Now he stated that publicly but I think Mr. Onorato is correct. We should have the Controller's Office review that since we are not privilege to and I don't necessarily want to review individual tax records. But the administration got off scot-free on this whole issue. Now they are banging on their chest looking like holier than though, like they are really being aggressive and tough.

I wonder if they had a backroom deal not to collect this tax with Marino? I

want to know why someone didn't collect it? Who was responsible for collecting it? Don't put it off on poor Mr. Fees our Treasurer. I think it's Hennigan and other people in that department that are in charge.

I would like an explanation. It is not acceptable that that money wasn't collected and I am really furious that we aren't even at the gate up there collecting the money now that the games have begun. I mean if we have to lock the door, I would lock the darn door. That's outrageous that we are not getting our money and the PR spokesperson for the Penguins, did you hear his rhetoric in the media the other night? He talks about well we haven't paid all of our creditors. We are not a creditor; this is not a bill that they incurred. They are acting as our tax agent under state and local law. They are collecting the revenue that comes from the fans that goes to this city. We reduced it from 10% to 5%. That is our money; we're not a creditor we are not a soda vendor, we are not the popcorn vendor, they acted illegally.

The District Attorney should pursue and it should have nothing to do with whether or not some financing deal is worked out. If Mr. Marino thinks that this is the way to at least get my vote to ever even consider some kind of appropriation for him, he has got another thing coming. It will never happen at least as long as I am on this Council.

We just spent ten million dollars putting new seats into the darn Civic Arena. This is just outrageous and people just sit quietly, I can't believe it. I am not letting the administration off the hook, I think there was a backdoor deal this past

year to let them off scot-free. I want to know what is up.

I resent the fact that he paid Mario and I love Mario Lemieux like everyone else. But I resent the fact that a multi millionaire like Mario gets paid his million before we get our tax revenue that is rightfully owed to us. We should not allow it; we should ask a lot of questions.

I thank Councilman Onorato for introducing the resolution but I hope they are all going to be present. I would like to ask Marino to come to the table here and explain his actions. I also think we need to be doing more aggressively with the Police Bureau if we can lock the door, if we can go up there and take the money that they just collected for the game last week, we should do it. We aren't being aggressive; we are not acting appropriately in my opinion.

I am sick and tired of some of these sports teams. They take the damn city for granted. They take the taxpayers for granted, and they always think you know like we are doing a big favor. That they are doing us a big favor being here, they are not. Some of the greatest cities in this town don't even have major league sports teams.

So they better start waking up to that, people are getting sick and tired of us bankrolling all of this sports because every time we bankroll that infrastructure, something doesn't get done in Bloomfield, Lawrenceville and Polish Hill and Garfield and all the neighborhoods that I represent. So, they better ante up and they better start being straight with us and they are not. Marino typifies that arrogance.

Mr. Onorato:

I know everyone else wants to talk, but on that point --

Mr. Ferlo:

He better have a check here next week, I can say that much.

Mr. Onorato:

There are actually two issues. The first one I want to address tomorrow when the bill is up, I would ask that Director Hennigan be here along with possibly Deputy Mayor Cox because we have to first find out what we did wrong? Why we didn't collect it?

The other issue is the Marino issue and I agree with Councilman Ferlo. But tomorrow we don't need a Post Agenda, we don't have time, but tomorrow is the day to get the answer of what went wrong internally and what else is out there. We will get the Controller up here and I think we can do this tomorrow. The records are down there. We will find out what is going on. So I agree with you Councilman --

Mr. Ferlo:

What about the Solicitor? I wonder, can we cease the man's car? Do we have any personal right against him? He is hiding behind the veil of bankruptcy. Taxes aren't even an issue in the bankruptcy. This is outrageous.

I want to know how we can be more aggressive, not just the District Attorney, but how can we? Let's go take the man's car. Take his house. Do

whatever we have to do. That is our money.

The Chair:

We will have the Solicitor at the table.

Mr. Ricciardi:

Gentlemen, I just don't disagree with Councilman Ferlo that that's our money and I support what Councilman Ferlo and Councilman Onorato are pointing out. Just for the viewing public, I think it's important for them to realize that in this case the Penguins were acting as our agent to collect the tax. This is not tax dollars that are due on their gross or on their net profits. This is an additional tax that is added to the tickets. It was this City Council which is a legislative body made sure that the public realized the difference when they pay a ticket, they will see ten dollars plus 50 cents in tax.

So what they have done is collected tax money from the public and did not forward it to the city. That's what really makes it grossly unfair. It is not like the company just ran into a problem and said guess what I am sorry. I can't pay our taxes. It's something else. It's guess what I collected a tax acting as your agent, I did not forward it to you. That is the real problem.

The Chair:

You are making a very clear point. There is a much bigger difference between this tax like sales tax, parking tax, and amusement tax is not their money. It's not like somebody at the end of the year fell behind and they are a couple of months

behind on their real estate or whatever wages.

This is the tax that we lowered from 10% to 5%. I didn't notice any tickets going down 5%. So we gave them a bonus. The parking tax when we aggressively went after that we are supposed to be on a two week to a month basis to collect that money. Why should \$26 million of our money sit in someone's coffer?

Mr. Ferlo:

Someone had a backroom deal going, that is all.

The Chair:

Again, this is not a tax that you are allowed to fall behind. This is not even their money and it should be directly deposited the next day into the city's treasurer. If it isn't, then the city is not doing their job, I agree with you.

Mr. Cohen:

Briefly, Mr. President, I just want to throw my whole-hearted support for Councilman Onorato's bill and what has been said this morning. The average residents of Pittsburgh can't get out of paying taxes and neither should multi millionaire Roger Marino be able to do so either.

Let me also take a moment to remind Council that the Auditorium Authority sued the Penguins in court two weeks ago. We sued them primarily because Roger Marino is out peddling this team to other cities. So we can add that to the list of grievances against Roger Marino

right now. Personally I think we should amend that complaint which has already been heard by a judge in a preliminary hearing. We should amend that complaint to get damages. That is money damages from Mr. Marino for his failure to pay these taxes.

So that's something certainly we will be looking into. But I do want to remind Council that we have sued Mr. Marino, that he needs to make a commitment to Pittsburgh which he has not done and certainly make a commitment to pay taxes like the average Pittsburgher does.

The Chair:

He had no problem raising the tickets to \$125, that is 5%; he just doubled our cost, our money.

Mr. Hertzberg:

Thank you, Mr. President. I couldn't help but notice the kinds of remarks coming from the Penguins organization that someone would have the nerve to ask for a criminal investigation because with state income tax that's an every day occurrence. I am sorry, state sales tax. Your general sales tax, there are merchants every day that are charged in a criminal manner if they don't remit their sales tax.

This tax is identical to the sales tax. You're not supposed to hold that money. That money is supposed to immediately go to the city. So the only difference here is that the city is the one rather than the state, which on a regular basis does institute those kinds of criminal prosecutions.

I hope tomorrow we do get the Solicitor here and that she is prepared with a strategy going into bankruptcy court because I think we should have one. I think there is a way to do this to quickly get to some of the assets of the Penguins. Because there is no doubt that the tax money shouldn't be in this bankruptcy and we should be able to get it.

The Chair:

I think Mr. Ferlo really brings up a good point. When they need paramedics at the arena, they need police officers for traffic; they're there that day. If this money isn't paid within a week or a month we need people up there to collect that money, with everybody walking in that door. Five percent of that money should go to the City of Pittsburgh to pay for these benefits that they get. Otherwise they couldn't operate. This is the only benefit we get from the 75% of the people who come in from the suburbs who pay no taxes in this city.

Mr. Ferlo:

I know I am being confused with anti-Penguin. But my feelings are very strong. In addition to all that has just been stated, I think we should give Marino two weeks. We want our million dollars, whatever the P and I is, penalty and interest, and if not we should lock those doors. We should not let them play at a public facility until they pay that amusement tax back. That is my position.

Mr. Onorato:

One final point. The IRS deals with this issue every day. Every single employer has to withhold employee taxes

for payment to the federal government for your FICA and they call that trust fund taxes, that is what this is here.

The Penguins and any organization access a trustee for the municipality in this case. The law is very clear if it is the IRS, if it is state sales tax, or if it is a local municipality, when you are acting as a trustee and you do not get the money, that is stealing. It is not your money; you stole the municipal's money. Stealing is a criminal offense.

This is not somebody that owns a house and fell back on their real estate tax. That is a bill. They collected money for us required by law to act as a trustee. They violated their fiduciary obligation as the trustee to hold the taxes. They stole the money. It is a criminal offense.

But the other issue I don't want to lose focus on the reason I put the bill in why did it take up to \$800,000 before this Council new that there were trust fund taxes not being collected. That is another question that I want answered. That has nothing to do with Mr. Marino, that is an internal accounting function that didn't work.

It really scares me that do you really believe that this is the only entity that is not paying this tax. I am not so sure I am comfortable that this is the only one. I think we might have a major, major outstanding obligation here from a lot of entities. Don't forget the cultural trust gets a lot of public money too. I love the cultural trust, and that's entertainment. There is an amusement tax down there.

I sure hope that they are collecting this tax before paying the city because if

not, they had better get nervous. This is a criminal activity if the money does not come back into this city. That is what we are going to find out.

Mr. Ferlo:

Are all of these people who are leaving the administration are getting jobs with the sports teams and Plan B and every other financial broker that has some vested interest in all of this deal making.

The Chair:

We are also looking at theaters, the movies, they are up to six, seven bucks now. That's 37 five's, that's thirty-five cents that should be going to us. Just off for curiosity, did you know how long that 800 to a million, was that one year or two years or year and a half?

Mr. Onorato:

Well whatever a sellout generates is 5% of the sell out. I don't know how many games that would be to get to eight hundred thousand.

The Chair:

I was just curious what the length of time since they paid it last. It should be paid every month, but that is another issue.

Anything else under unfinished business?

Mr. Ferlo:

Marino better hear this conversation, that is all I have got to say.

The Chair:

I see a couple of TV stations, I think he will get the message.

Now move to reports of committee.

REPORTS OF COMMITTEES

MR. UDIN PRESENTED:

Bill No. 886:

Report of the Committee on Finance and Budget for October 14, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 811:

Resolution authorizing and directing the Director of the Office of Management and Budget and City Council's Budget Director, in conjunction with a committee whose composition will be specified below, to develop and implement a SERVICES IN LIEU OF TAXES PLAN as it relates to services currently provided to the City for a cost, and which could be performed by non-profit service providers located in the City of Pittsburgh in lieu of taxes to the City. (SPONSORED BY MR. ONORATO).

Which was read.

Also,

Bill No. 842:

Resolution Providing for the issuance of a warrant in favor of Sydlin, Inc. in the amount of \$3,090.00 for the

furnishing and installation of Solargard Silver 80HC window film product on the 4th floor of the Public Safety Building; and providing for the payment of the cost thereof, chargeable to and payable from Account 600000, Fund 5100, Org 301000, Sub-Class PGHPR, Project/Grant 2227002, Budget Year 1998. (PRESENTED BY FERLO).

Which was read.

Also,

Bill No. 843:

Resolution Providing for the issuance of a warrant in favor of the U.S. Nuclear Regulatory Commission, License Fee and Debt Collection Branch, in the amount of \$1,700.00 in payment of the Annual Materials Fee Invoice; and providing for the payment of the cost thereof, chargeable to Account 525500, Fund 5100, Org 301000, Sub-Class 350, Project/Grant 2250002, Budget Year 1998. (PRESENTED BY MR. FERLO).

Which was read.

The Chair:

You have heard the reading and title of the bills, is there any discussion on the bills?

Mr. Onorato:

Mr. President, Bill Number 811 the first bill on the agenda, the bill I put forward for services in lieu of taxes.

I just want to comment. While we might dispute how much money we can save by doing this, I thought we saw

significant movement. I want to thank the administration for recognizing the potential here in our briefing or PR show or whatever you want to call it that we had with the administration on the budget. I thought it was interesting that in that particular list of options, even services in lieu of taxes was valued at \$500,000.

I was asking three to six million for '99 but I think the point here is that at least both sides of the hall here agree that there is a value for services in lieu of taxes. The administration coming up on the more conservative side of 500,000, I believe we can get closer to three to five or six million easily before we look at the big healthcare number. But the point is I think this goes to that long discussion we just had. I think this Council has to seriously look and to see if we are adequately staffed in the finance department.

We can do all the things as much as we want, if we can't properly collect revenues that should be coming in, follow up on revenues coming in, put the manpower to do the service in lieu of taxes committee, these are just ideas. We want these ideas to come to reality. These are ideas that will remove the burden from our taxpayers who are strapped to begin with.

So I think that we have to not only pass this, but also really make sure it does get implemented, and it is not just pie in the sky. Because I believe the potential is there, and I look forward to far exceeding the \$500,000.

The Chair:

If I can respond, I believe the potential is there and I compliment you on the bill. But I don't think it is going to go

anywhere precisely for the reasons you said. I talked to Mr. Hennigan this morning, unless somebody is either hired or they have on staff or we have to hire an agency to go over this, someone has to wake up tomorrow morning and figure out how to work the cooperation to get to this money. I believe everybody agrees that it is out there, it is just who is going to go and do it.

Bills are now ready for final action, all in favor of the passages of the bills vote aye when your names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Ferlo
Mr. Hertzberg	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. O'Connor
	(Pres't)

AYES Eight NOES None

Bills have received the legally required number of votes and are passed finally.

MR. HERTZBERG PRESENTED:

Bill No. 887:

Report of the Committee on Public Works, Water and Environmental Services for October 14, 1998, transmitting one ordinance and two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 742:

An Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article I, Regulated Rights and Actions, by adding Chapter 620 – Requirements for Temporary Excavations. (SPONSORED BY MR. FERLO)

Which was read.

Also,

Bill No. 788:

Resolution granting unto Gil Sokol, Luna Bar, 304 N. Craig Street, Pittsburgh, PA 15213, his successors, and assigns, an encroachment to construct, maintain and use at his own cost and expense, a handicapped ramp in front of 304 N. Craig Street, Pittsburgh, PA 15213 in the 5th Ward, 6th Council District, City of Pittsburgh.

Which was read.

Also,

Bill No. 860:

An Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article I, Regulated Rights and Actions, by adding Chapter 620 – Requirements for Temporary Excavations. (SPONSORED BY MR. FERLO)

The Chair:

You have heard the reading and title of the bills, is there any discussion on the bills?

Mr. Ferlo:

I spoke to the Chairman, Mr. Hertzberg, in Public Works and some of the inspectors of Public Works wanted to see if we could further amend the metal plate excavation bill to look at the identification of contractor's vehicles at the site. Because they are having a problem in that respect and also a \$10 fee to purchase the actual placard as opposed to the \$25 fee.

So I would respectfully like to ask to recommit the bill so I can talk to the Law Department and try to finalize it tomorrow. That is Bill 742.

MR. HERTZBERG seconded the motion

Mr. Ricciardi:

Discussion. The only discussion I would like to ask the sponsor of the bill is, Mr. Ferlo, we have before us a solid bill requiring identification of plates throughout the City of Pittsburgh. Not to elaborate on the discussion we had at the table, once you talk about marking vehicles; you are going off in one entire direction. Wouldn't you think you would pass the bill before us that has the support and then amend the bill regarding the vehicles? We have a good bill in front of you, received support; it is going to accomplish something.

Mr. Ferlo:

I have no problem but if we could at least allow them to come to the table tomorrow and explain their position.

Mr. Ricciardi:

I have no problem with that, but I think we should pass this bill today. But I will go back to the sponsor of the bill. You have a good bill today, Jim. Why let it --

Mr. Ferlo:

I appreciate the support. But out of respect for the staff, our inspection workers, if they could be allowed to --

The Chair:

The motion was to recommit the bill.

Which motion prevailed. (**Mr. Ricciardi voted no.**)

Bills are now ready for final action. All in favor of the passage of the bill vote aye when your names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Ferlo
Mr. Hertzberg	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. O'Connor
	(Pres't)

AYES **Eight** **NOES** **None**

Bills have received the legally required number of votes and are passed finally.

MR. RICCIARDI PRESENTED:

Bill No. 888:

Report of the Committee on Housing, Economic Development and Promotion for October 14, 1998, transmitting two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 786:

Resolution directing the Board of Directors and Executive Director of the Urban Redevelopment Authority to pursue the creation of the Pittsburgh Neighborhood Development Fund for the purpose of providing a Tax Increment Financing package totaling \$10,000,000 for home improvements to residential properties. (**SPONSORED BY MR. DIVEN**)

Which was read.

Also,

Bill No. 863:

Resolution authorizing and directing the Director of URA Bill No. 720 - Center Triangle Tax Incremental Financing Plan - and proposing to utilize \$7 million dollars to assist in redevelopment activities related to Neighborhood Business Districts. (**SPONSORED BY MR. RICCIARDI & MR. DIVEN**).

Which was read.

Also,

MR. RICCIARDI moved to recommit the bills.

MR. HERTZBERG seconded the motion.

Mr. Ricciardi:

Colleagues, I thank you for your initial support for the spirit of both bills. One put forward by Council member Michael Diven that would bring the TIFF, the concept of the TIF which is the Tax Incremental Financing package to the city neighborhoods, to constituents and taxpayers of residential units that are really paying the freight for the larger TIF's of Lazarus, ALCOA, and Mellon Bank and PNC.

I also thank you for your initial support for the spirit of my bill, which would redirect \$7 million into the neighborhood, the traditional neighborhood business district, throughout the City of Pittsburgh.

I thank you for supporting the spirit. Of course, I support the letter of both bills and hopefully we can have discussion tomorrow with the URA and with the administration.

Regarding the administration's view that my bill was illegal. It was only illegal because the TIF district map was not drawn for the Mellon Bank institution directing the money into the neighborhood. But maps can be redrawn. I think constituent and taxpayers are speaking up. I think they have supported the large projects, I supported them. However, if you go into all neighborhoods in the City of Pittsburgh and I have listed a few neighborhoods that are recognized by the City Planning Department, you will see that they are in dire needs of public money. They are in dire needs of public

assistance through the URA and the City of Pittsburgh.

When I am talking about public assistance, I am saying that they're in dire need of their tax dollars coming back into the neighborhoods. It is something that we really should look at. It was a further insult that the Planning Department didn't even list or doesn't even recognize some of our business districts throughout the City of Pittsburgh, including business districts that were mentioned by Councilman Hertzberg that would have upset me.

But I am looking forward to the discussion tomorrow. I just want everyone to keep in mind though, isn't it a pity and a shame when the URA and administration comes before us and says well we are under a time restraint. You know every time they come before us they're under a time restraint, every time we pass these bills, we have supported all major projects in the City of Pittsburgh. When are we finally going to go say wait, hold on we are willing to take the criticism from the editorial board, but it's time we redirect some of these moneys into the neighborhoods.

I have stated and was correctly stated in the Tribune, I think it was, when I said I believe that the neighborhoods and the business districts of Climax Street, Arlington and Warrington Avenue and Allentown and Arlington and Beltzhoover is more much important to me than the Fifth Avenue and Forbes Avenue business corridor. I sit here, I continue to vote for TIF's, I continue to vote for the additional 80 million dollars that are part of the TIF's, of public dollars. When do we look at our neighborhoods?

When do we look at Forward Avenue and Murray Avenue and Homewood Avenue, and when do we look at Frankstown Avenue? When do we look at other neighborhoods through the City of Pittsburgh? I am sad to say that I think I know what is going to happen. We are going to vote for the Mellon Bank TIF, we are going to redirect the \$7 million into the Fifth Avenue and Forbes Avenue Complex, we are going to have the community groups and the business groups rally today and Tuesday and Wednesday in our lobby. They might somewhere find 1.6 million dollars to meet their needs but nothing compared to what we are giving the corporate elite throughout the City of Pittsburgh.

It's really sad but thank you for your initial support for the spirit of the bill, colleagues.

The Chair:

We only have two bills on the table. The motion is to recommit those two bills.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Under Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Ricciardi:

Council members, over the last several years colleagues Hertzberg, Diven and myself have continued to ask and raise several questions regarding the Way

Finders Program here in the City of Pittsburgh. It was a multi million-dollar program we started on the North Side and also on the East End. It was supposed to come over south and southwest of the rivers, we have been very critical of that program. I asked for an audit, which was supported by a vote of confidence by this legislative body, by Tom Flaherty, to look into it. I hear from reliable sources that the audit has been performed, has been performed now for several months. The administration has had an opportunity for several weeks to comment on it and the audit has still not yet been released.

I believe Controller Flaherty does a good job. However, I enjoyed him in the years past when the office showed me a little more independence. I am calling for the Controller to release that audit. I am sure and the sources say that there is going to be an audit that shows that we have not collected nearly one million dollars of fees throughout the City of Pittsburgh. We continue to say that we need a garbage fee, why don't we just collect the money, the money that is due from the Penguins, the money that is due from a host of institutions throughout the City of Pittsburgh? Release the audit.

I am calling for that audit to be released. The administration has had an opportunity to review it. The Controller has been sitting on it. I am asking Controller Flaherty to release that audit. Thank you.

MR. FERLO seconded the motion.

Mr. Onorato:

I am sorry, I have some questions. Are you telling me that the audit is

actually prepared and they are just not giving it to us?

Mr. Ricciardi:

Obviously, the Controller has every right to release the audit at his discretion. However, I am very upset that this audit is taking so long to be released because it has been done many times. I think what is happening, maybe people are wondering what the spin is going to be.

As Councilman Ferlo has stated regarding the Penguins, we don't need a spin. Let's find out who owes us the \$850,000. Let's go out and collect those moneys from the hospitals and the institutions and the non-profits and the businesses that have not paid for their money and that money is supposed to be recycled into the neighborhoods that are represented by Diven, Hertzberg and Ricciardi.

I think Councilman Hertzberg has brought this issue up time and time again but now I find out what is wrong. The money has not been properly collected by the administration. I am calling for the audit to be released today.

Mr. Ferlo:

Can I ask, in any way defuse Mr. Ricciardi's comments, but I would like to make a motion that we respectfully ask our Controller Flaherty to respond to Council regarding the status of the performance fiscal audit. I am not sure which exactly performed, what is the status of the audit, and when we can expect a formal release?

The Chair:

Can we put that in the way of a motion, and we will send a request to Mr. Flaherty today? Is there a second?

Mr. Hertzberg:

Mr. Ricciardi, if I could just to clarify the status. It's at the point where the audit is done, it has been presented to the administration for their response to the various critics and they just haven't responded in the ordinary amount of time that you are asked to respond to those audits.

Mr. Ricciardi:

That's correct. The administration had plenty of time to respond. They have responded and the audit still hasn't been released, there is never such a gap to that. I am sure the Controller's Office will come up with something that sounds reasonable, but I am saying I am very upset about this and they have to know the passion why I am upset about this.

Because the Way Finders Signs isn't just a bunch of signs that are hanging on poles. It is to help residents and tourists and business people navigate the city streets. I just don't want three or four signs in the South Side and Allentown, and Arlington saying you are here. So, what I am saying is the faster that we face up that there was a blunder, the faster we can go out and collect the seven, eight hundred fifty thousand and get it into our neighborhoods.

I am saying yes, it is an embarrassing thing, yes the Controller and the administration has been working diligently and cooperatively throughout the years, but I want to see independence.

I want to see that audit released. I called for the audit; I want to see it released.

Mr. Ferlo:

My motion is that we formally ask for a response from the Controller. We have heard so many rumors about Way Finders, I have heard rumors from the administration that all the records are missing for the Way Finders Signage Program. I don't know how public records can be missing, but why are they missing? Is there something to hide?

I mean the point is we shouldn't have rumors, Mr. Ricciardi a long time ago asked for this audit and the Controller has apparently done a good job and has worked on it. I think every audit gives the administration a 30-day time period or some reasonable time period for a response. If not, it's done and the information comes forward.

So I would like to ask for my motion to be approved so we can have a formal response from the Controller.

The Chair:

Motion on the floor to ask for a formal response. All in favor?

MR. RICCIARDI seconded the motion.

Which motion prevailed.

The Chair:

There maybe another side to that. I know a lot of the hospitals and non-profits contributed. Was that money spent? There are two sides and did they contribute and if they did where did the money go?

Mr. Ferlo:

Where did the consultant go?

The Chair:

I realize there was a lot of consultant money too. The consultant was probably from out of town.

Mr. Onorato:

Mr. President, I am not sure how we really haven't done this before but and I am looking for suggestions here anyone have any comments? We passed that resolution last week calling on our Director of Engineering and Construction and Public Works to help update the reports for Soldiers and Sailors and the hearing is coming up in November. My understanding is there is some grumbling coming out of the two departments that they can't do it.

I guess what I need -- maybe we can ask the Solicitor to have an immediate response either from the Mayor or from the Deputy Mayor if they are going to honor what Council passed as a resolution 9-0 asking our Directors to take just three weeks to upgrade these reports that are already done. We just have to update them to this time period. I understand there is some conflict there. I would like to have this resolved, because I don't want to wake up on November 10th and hear they were denied again and we didn't do what this Council asked to do a policy.

So unless someone has a better way to do it, I am asking the City Clerk to get a response by tomorrow what our two departments will do and what communication is going on between the

Soldiers and Sailors Hall and our two departments?

Mr. Hertzberg:

Thank you. If they're unwilling to follow the resolution of Council then I think our only choice is to try to find the money within Council's budget and have it done by a third party, if our staff won't honor the resolution that we all passed. I think it passed by a nine to zero vote, but if it is not going to be honored and there is a deadline. The only way we are going to get it done is by going to a third party.

Mr. Ferlo:

I whole-heartedly supported Councilman Onorato's resolution. But on a practical level, I think we should at least sort out the two issues. The first fundamental issue is that the RAD Board has to consider Soldiers and Sailors a Regional Asset as much as the Pirates and football, the Penguins and the zoo or any other entity. So far that has not been won over in terms of the philosophy.

Secondly, regardless of the timetable, because at some point independent consultants will have to be hired to do an assessment of the roof, the air conditioning system. I was out there this morning for a discussion with some of the staff of Soldiers and Sailors and at some point somebody actually needs to do some work probably to a greater degree than even our peripheral review by Engineering and Construction staff.

So I hope we are not being -- I don't think Mr. Onorato means -- we are not pressed by any deadline. The RAD Board, the Onorato proposal to use some

percentage for capital and do the bond issue is a great proposal. It is a way that they don't have to come up with eight million or whatever that figure is, they can come up with a reasonable amount and pay the debt service off over whatever the term of the bond issue is. So I don't think they should need to be hard pressed by the date so much as just hard pressed that they are going to commit. Even if they have to have a set aside pot, the law doesn't say that they have to give away every dollar they collected every year and they don't. They have a reserve fund.

So, they should be able to reserve three or four hundred thousand dollars in this budget year and strategically work with the operators of Soldiers and Sailors, city departments, county departments and anyone else who can lend their expertise in defining what the critical capital expenditures should be. So, I don't think Councilman Onorato is saying that if we can't meet the deadline, therefore we are not going to insist the RAD Board make the commitment. We want the commitment and we will work expeditiously to do the work so on a practical level, I just don't think some of this stuff will come together that quickly because the roof -- I was out there today, yes the roof is leaking. You can see it through the second floor banquet ballroom.

But there is a real issue about the manner in which that construction would happen. What would be replaced? It is a historical institution, there are significant issues about how wood will be replaced in the ceiling, the windows, the skylight windows, there are a lot of significant design issues and engineering issues that I don't think are going to be met by this

RAD decision.

I don't see why they can't buy into the capital plan as Mr. Onorato has proposed, because I think it is the best way out of this. Why they can't set aside several hundred thousand dollars and commit it now, and work on a six-month plan to come up with an actual capital critical needs expenditure. So, I hope we can separate out and not be pressed with this time line here.

Mr. Onorato:

You're absolutely right. As long as the administration says that they are committed to doing it, we are not stuck for the deadline to be completed by November 9th. As long as we are willing to cooperate and work with them. The RAD knows that, I think it helps.

The Chair:

I think it is sending a message to them. The mechanics alone will take six months to a year before they can really even do the work. But there also is a surplus usually and I --

Mr. Ferlo:

One other brief point, I spoke with the staff this morning, I am sure colleagues would back us if we would all agree to cosponsor this. I think we should just write the State Legislator and I am sure Council would consider this. I think we should just amend the RAD legislation to explicitly and specifically include the Soldiers and Sailors Memorial Hall as a funded entity for capital and operating expenditures. I can't see one State Legislator and one State Senator not

agreeing to do that, because this is not a good situation.

It is not fair that major entities in this city and county are mentioned in the legislation and almost have an air appearance status of being funded by guarantee and Soldiers and Sailors is not. That is a critical contradiction and fallacy and inadequacy of the RAD law.

I think maybe this Council should consider it. I will be glad to draft up the resolution. But I think we should just not quit Mickey Mousing around with all their politics and somebody at the RAD Board chastised some of the staff out there as they were being attacked or they were being unpatriotic for criticizing, give me a break. I don't even want to start talking about the sports team and the RAD Board.

But in any event I think we should ask the state legislature and I know Tom Petrone is considering that. Maybe we should just get a resolution to amend that darn legislation and make sure that the Soldiers and Sailors Memorial Hall in Oakland is specifically designated for capital and operating funds.

The Chair:

On that issue and Mr. Ricciardi unfortunately just walked out of the room, he might be the champion of knowledge. Has the Commissioners agreed with this? I know Commissioner Dunn has been in the forefront. We may ask them to cosponsor with us. I don't know if they have or not.

Mr. Onorato:

Commissioners sent a letter, the Budget Director of the Commissioners

sent a letter to the RAD Board saying they are ready to go with the three million dollar bond issue if they back up the debt service of 258. So, yes, they are ready to do it.

The Chair:

So you are saying City Council, the Commissioners, and probably most of the legislators are supporting this.

Mr. Ferlo:

Let's separate the timeframe. I don't want the RAD staff and Board to have an excuse oh you didn't get the figures together. Make the commitment, take the vote, commit the funds in reserve, work on the Onorato Bond issue, and get the job done. To the extent that E & C can be helpful, we can. But I really think they should contract with county consultants to do this capital assessment of the roof and the HVAC and the other critical needs.

Mr. Cohen:

Just on the specific issue that Councilman Onorato raised and that is about our own administration, which is what the specific issue was. My personal view is that we should give a date certain deadline for the administration to get back to us on whether they're going to participate in this plan to renovate Soldiers and Sailors Hall. That if they either do not meet that deadline or say no then I think we have no other choice but to table the bills related to those departments. I don't like taking that position, but pretty soon this administration has got to start taking this Council seriously when it comes to resolutions we pass.

So I would just put that out there as a suggestion so that otherwise we become completely irrelevant. So, I would recommend to Councilman Onorato that we do that and if he moves to table the bills from those departments until we hear back, then I certainly would support him.

Mr. Ferlo:

I would like to suggest, since I am Chairman of Engineering and Construction I would be glad to set up a site visit next week with Director Reginella and whatever appropriate staff and or consultants and the employee. But let's keep this in perspective, it is not our facility legally in terms of the city budget. So I think Director Reginella is a little hard pressed in terms of not having --

Mr. Cohen:

I am not talking about Director Reginella; I am talking about Mayor Murphy. I am talking about a piece of legislation that this Council passed and that deserves a response no matter what the piece of legislation is; we deserve a response to that legislation. I am not blaming Director Reginella at all.

Mr. Ferlo:

I was a little bit unclear because I thought the resolution was asking E and C to do some assessment. So why don't we in addition to Mr. Cohen's point about the Mayor, I will be glad to facilitate a meeting next week at the site? Just to have some of the E and C Engineers and meet with the staff and I will make sure Councilman Onorato and all Council members --

The Chair:

I would urge that I don't think this is just a city responsibility. I think the County has engineering --

Mr. Ferlo:

It is really a county responsibility.

The Chair:

I think they have to be involved. I mean Fred is overworked. I mean our Engineering and Construction and the Parks and all the good work they are doing. I don't mind him playing a part, but I think the county should be a part of your meeting.

Mr. Ferlo:

The hall is under state statute and their board created in the county's hospices. It is not a city facility.

Mr. Cohen:

I also have one other issue.

The Chair:

I want to introduce to the chambers, my daughter Heidi stopped in with my two grandchildren. I think that is their first trip McKenzie and Kennedy. Now they're hiding. They were sitting so well. There is McKenzie, McKenzie will wave. Kennedy, you want to stand up and say hello.

McKenzie is waving anyhow. Thank you very much.

Mr. Cohen:

Mr. President, yesterday there was a 13-hour gridlock on the parkway. It was so bad that people missed appointments by two, three hours. I happen to know this because my own father was there trying to get to a sales call early in the morning. We need to, I think, pay some attention to what is going on there.

This is at least, in my memory, at least the third tractor-trailer that has gotten into an accident on that turn coming off the Fort Pitt Bridge or going onto the Fort Pitt Bridge, whichever direction they are going. There is clearly load shifts that occur when tractor-trailers use that bend and many certainly accidents that have taken place.

I mean if you tried to calculate the amount of money that was lost let alone the incredible inconvenience that that created, I think you would probably find that it was in the millions of dollars. There is somewhere in the area of 45 thousand vehicles that come through the Fort Pitt Tunnel and bridge every single day. And for 13 hours many of those, no most of those vehicles were stopped yesterday.

We had a similar accident just a couple of months ago. We need, I think, to find out how to resolve this problem and to get in touch with PennDot and ask them and I would like to do this in the form of a motion. How many such tractor-trailer or semi accidents have occurred at that point on the Fort Pitt Bridge and Tunnel in the last ten years? How many hours of delay that those accidents created and whether it is possible to reroute tractor-trailers or at least the biggest tractor-trailers from the Fort Pitt Bridge and Tunnel.

All the cars yesterday that were stuck on the parkway were rerouted over the West End Bridge. I know obviously that this would have some effect on Commerce, so I am not embracing the idea yet. But we should at least explore the idea of having the largest tractor-trailers not be allowed to come through the Fort Pitt Bridge and Tunnel. Whether it be the West End Bridge or whatever or the Smithfield Street Bridge whatever we should at least explore that idea.

So I would ask that this Council at least send a message to Henry Nutbrown's replacement over at PennDot and ask for a report from PennDot as to how many times in the last ten years we have had tractor-trailer accidents like the one that occurred yesterday? How many hours the parkway was shut down because of those accidents? And what his recommendations are with how we can avoid these in the future? Not to mention if there were any hazardous materials that would create a serious public safety hazard.

So given what happened yesterday that one tractor-trailer literally shut down a major portion of our city, I think we need to explore this. So I would like to make a motion that we do that.

MR. FERLO seconded the motion.

Mr. Hertzberg:

Discussion. The only problem I have is with recommending a West End Bridge reroute. I mean we can look into the alternatives. I have no problem with that. But seeing what happened yesterday and keeping in mind that that bridge and tunnel will be closed for certain periods of

time in the near future. You can understand why I have spent so much time in arguments over construction of a new bridge. Before we know it, there is going to be a plan shutdown of that bridge and tunnel. You can see what kind of chaos it brings. I got stuck in it myself and it was no fun.

Mr. Cohen:

When I saw it in the morning, at about 8:30 in the morning, I think it was, I was amazed at the back up. Then when I went home at 6:30 at night, that back up was worse than it was in the morning. It literally took 13 hours.

The Chair:

I might add whoever designed that bridge and all the ramps, hopefully they are not in the Highway Hall of Fame, but I don't know that we have really signals to warn outside truckers. You know the person, it maybe their first time ever near here and going too fast and not realizing the bend.

I am certainly open for a lot of design changes and immediate changes. Whether they be slow down of trucks, more warning signals for them. We certainly did enough warning trucks coming into the city, even that took a tragedy of killing all of those people, I think five people were killed on Liberty and Stanwix a few years ago.

So I certainly will be supportive if our motion is saying I think we need emergency signals put up right away and long term solutions.

Mr. Cohen:

I agree. Certainly warnings and signaling would help as well. But just to ask to get the information on the history of accidents at that spot, but also to find out what their recommendations are as well.

The Chair:

In the way of a motion, do we have a second?

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Any other discussion?

Hearing none, I would like a motion to approve the minutes.

MS. MCDONALD moved to approve the minutes.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Motion to excuse the absent member.

MR. FERLO moved to excuse the absent member.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. HERTZBERG moved to adjourn the meeting.

MS. MCDONALD seconded the meeting.

And on the motion made by Councilman Hertzberg, the meeting adjourned.

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED THIRTIETH COUNCIL

BOB O'CONNOR..... President
LINDA M. JOHNSON-WASLER..... City Clerk
JOHN R. MASCIO..... Deputy City Clerk

Pittsburgh, PA
Tuesday, October 27, 1998

PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Diven	Mr. Ricciardi
Mr. Ferlo	Mr. Udin
Mr. Hertzberg	Mr. O'Connor
Ms. McDonald	(Pres't)

The Chair:

Will you all please rise for the pledge of allegiance and remain standing for a moment of silent prayer for peace and hope throughout the world.

This morning we have a special guest, Sharaya Dixon, who is in the fifth grade at Spring Garden Elementary. She is accompanied by Rosemary Stumpp, Development Advisor at Spring Garden. She's in Councilman Dan Onorato's District.

Sharaya Dixon:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all.

The Chair:

Thank you, Sharaya. We have a special gift for you. Thank you for coming down.

We have many special guests in the audience. I think Mr. Cohen really has an exciting one today.

PRESENTATIONS

Mr. Cohen:

Thank you, Mr. President. Good morning, everyone. Would Cynthia Griffin please come up and everybody else that you have brought with you this morning? I have a very special non-proclamation this morning. It is a little bit unusual so please bear with us.

If you recall, members of Council and members of the audience, we did a proclamation back in December and it was for a peace sculpture. What we have this morning is that sculpture. We have representative children from 31 different schools in the area. Thank you so much for being here.

Our proclamation is really kind of

at the beginning of this program to help kick this program off. The idea behind it is to send a message that we need to stop marketing violence and instead to promote peaceful play. Cynthia Griffin and all of the children have done this in a very concrete way, a very artistic way that we would like to have you see this morning.

This program is really sponsored by Highmark Blue Cross Blue Shield where Cynthia Griffin is the Wellness Program Administrator and also by the Pittsburgh Public Schools. If you can see and I hope we will get this on television also, you can see what the final product was and that is a sculpture that was done by kids that takes toys that represent violence and converts them into an art project that promotes peaceful play.

So I thought it was worth bringing Cynthia Griffin and all the kids back here to Council so you could see the final product and to congratulate them for doing this.

Ms. Griffin:

Good morning to everyone. I would simply like to say that it's our mission at Highmark Blue Cross Blue Shield Health Education Center to improve the quality of life through healthy life style practices and decisions.

The children that you see before you believe that violence is a learned behavior. We believe that children act out what they see in us, as it relates to the kinds of activities that may be seen in our neighborhoods and in our society. So they're taking a stand and sending a message that they wish to promote nonviolent behavior, and as Councilman Cohen mentioned, to promote also

peaceful play.

With that we have Markeya Watson one of our peacemakers who represents the Westinghouse High School. She would like to present the plaque to Councilman Cohen and then I understand that Director Costa will help us determine where we can place this sculpture so that those who view it can see the stand that these children have made.

Markeya Watson:

Peace Sculpture. The Health Education Center, an affiliate of Highmark Blue Cross Blue Shield, along with the Pittsburgh Public Schools completed a project, which addresses the problems of toys that promote violence.

The Council of the City of Pittsburgh declares Saturday, December 13, 1997 as violent toy trade in day.

This peace sculpture represents the children's past experience and their vision for a safer and peaceful future. The Neighborhood Peacemakers.

Mr. Cohen:

This is beautiful. This is really nice. Obviously, I accept this on behalf of all of Council. Mr. President, maybe we can find a place to put this. It is really a beautiful plaque commemorating this program.

I would like to ask an artist, a local artist, Dominic Pagniello, I hope I said that correctly, to say a few words as well, maybe on the artistic aspects.

Mr. Pagniello:

Approximately a year ago this project was brought to my attention when a group of ladies from Washington, DC had come up with the idea of changing toys of violence into something peaceful. Unfortunately, they showed me a picture of what they did down in Washington and they are showing it to me and they are saying, do you like it? I didn't even know what I was looking at. So they said it is a lion. And I said, well I guess it is a lion.

It was dumped on my shoulders and I am proud to say that I enjoyed this. But we take toys from the community to come up with some type of idea of what I should do. I was having trouble with this and it was about two o'clock in the morning and I was doing another art project. I am sitting there and I am staring at an old science fiction movie, The Day The Earth Stood Still, and talking about non violence. I was watching and they were encasing somebody in clear acrylic, and I said that's what we need to do, we need to encase these toys in some type of substance because the majority of how this is coming across to the community is through television.

So we bought cases of beeswax and we melted it down and made molds and we put the toys in and poured it and that's the project. These children should be commended in what they have done.

Mr. Cohen:

I wonder if finally we could have any of the other children speak as we already heard from you. Anyone who would like to say a few words? Anyone participate in this project right here? Why don't you come up?

Robert Radling:

I helped plan this stuff together. First we did candles, that was really fun because we got to paint on the candle thing, and you know you ain't really allowed to paint on glass, so it was fun. Then we did that sculpture. First everybody was looking like this was going to be really boring and then everyone just started listening to Mr. Dominic, the artist, and then we said wow this is going to be a lot of fun. This program is really fun.

Mr. Cohen:

Thank you so much. In other words not only was it a good idea but it was fun at the same time.

Mr. Udin:

I just want to thank all of the young people for participating in such an important message. Aside from being fun, your message is going to get through to other young people that there are alternatives to violence and we need to turn away from violence and turn toward those alternatives.

I want to thank Mr. Dominic, the artist, for using his skill in a productive way not just to produce abstract art but to help change peoples lives. Cynthia Griffin as all of you know through Neighborhood Peacemakers has been consistently providing programming throughout the City of Pittsburgh and in some of the potentially most at risk communities and helping to change the lives in those areas from violence to making peace.

I just want to thank you for all the work both Cynthia and Dominic and most especially thank all of the children for

contributing to an important message. Thank you.

Mr. Cohen:

Let me just acknowledge Mr. Guy Costa, Director of General Services, who I guess will be working with Cynthia to find an appropriate place for this sculpture. Thanks, Guy. Do you want to say a few words?

Let me acknowledge Darrell Oates, the Coordinator for this project, humble coordinator. Thank you so much for all your hard work.

Mr. Udin:

If we could have the Housing Authority Police to join us please. Is Stanley here? Colleagues, we have with us this morning some officers from the Housing Authority Pittsburgh Police Department. Joining us this morning are Chief Frank Coppola, Deputy Ken Kuzins, Commander Joy Pekar, Officer Rachel Katchmar and the Executive Director of the Housing Authority Mr. Stanley Lowe.

The purpose of this morning's gathering is to congratulate the Housing Authority Police Department for having received their accreditation. It's a fete that not many police departments whether Housing Authority Police Departments or Campus related police departments or municipal police departments, not many departments achieve the high standards that are required for accreditation. What is important about it is that the accreditation standards are not just academic standards but help make a police department more professional. It helps make a police department more community oriented rather than having just a community

oriented department; it is a community oriented police department.

So they set a high standard. They raise the bar of performance and professionalism and the bar of excellence by virtue of their accreditation. It also comes at a very timely moment when HUD announced yesterday that Pittsburgh would be receiving four million additional dollars to go to the Housing Authority Police Department's effort to eradicate drug trafficking and drug abuse in public housing.

So it certainly couldn't come at a better time in my Council District in the effort of the citizens of the Hill District especially to eradicate drug trafficking along Center Avenue near Kirkpatrick and Wiley the highest wholesale open aired drug trafficking market in Western Pennsylvania. I know that one of the concerns that the people have is that if we run them off of Center Avenue are they going to seek refuge in public housing?

Well they may think they're going to seek refuge in public housing, but I think that Stanley Lowe and Chief Coppola have a different message for them and will be looking to receive them when they arrive.

So I am really pleased to be a member of the Board of the Housing Authority and a member of the community that houses or the district that houses a large portion of public housing in my district. I am certainly proud of that and I am proud to share this proclamation that is cosponsored by all members of Council.

MR. UDIN AND ALL COUNCIL MEMBERS PRESENT:

No. 899 WHEREAS, on August 1, 1998, the Housing Authority City of Pittsburgh Police Department (hereinafter "Police Department") met the requirements of the Commission on Accreditation for Law Enforcement Agencies (hereinafter "CALEA") and is currently one of only eight nationally accredited Police Departments in the Commonwealth of Pennsylvania; and

WHEREAS, CALEA's accreditation standards help law enforcement agencies: (1) strengthen crime prevention and control capabilities; (2) formalize essential management procedures; (3) establish fair and nondiscriminatory personnel practices; (4) improve service delivery; (5) solidify interagency cooperation and coordination; and (6) boost citizen and staff confidence in the agency; and

WHEREAS, CALEA's accreditation embodies the principles of community-oriented policing, and thus, helps provide the "Police Department" with a clearer understanding about community expectations.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the Housing Authority City of Pittsburgh Police Department for demonstrating commitment to professional law enforcement in policy and practice.

MS. MCDONALD moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Udin:

I would like to congratulate Stanley Lowe and if he would come up and introduce the other officers who are with us today.

Mr. Lowe:

On behalf of the Board of Commissioners, the Housing Authority of the City of Pittsburgh, on behalf of the entire staff of the Housing Authority of the City of Pittsburgh particularly our police department, we are very pleased to receive this award presented to us today by Council and Councilman Sala Udin.

When we first took over the Housing Authority Police Department, we asked one question and it is still one question we ask today. What is the standard? What does it take to be best in class? And the police department rose to the occasion, the standard is clear, to be nationally accredited. As the Councilman indicated, we are one of eight police departments in the state to be accredited.

I am very pleased of the work that Frank Coppola and his team headed by Joy Pekar provided over the last, I think what they think is a lifetime, two years, to attain the accreditation level.

I am going to ask Frank to come up and introduce the officers that are here and also introduce Joy Pekar and ask Joy Pekar to make a couple of comments in as much as she lead the team.

Chief Coppola:

Thank you. I am Frank Coppolla. I am the Chief of Police of the Housing Authority. I would like to introduce my Deputy Chief Ken Kuzins, Assistant

Accreditation Manager, Rachel Katchmar, and my Commander who was in charge of the whole project, Joy Pekar. I would ask Joy now to say a few words.

Commander Pekar:

Once again Mr. Lowe has surprised me. But like he said it does feel like it has been well over a lifetime, but we have been doing this for three years. The accreditation has made our department much more professional. We are at a higher standard.

I couldn't have done it without -- we had a team of members including Officer Rachel Katchmar that have worked day and night to make this happen. Now we will be doing this for the next three years because three years later we have reaccreditation. So we have compliance to follow. Thank you.

Mr. Cohen:

Thank you. Mr. President and Councilman Udin, I just want to take a moment and congratulate you for this accreditation. It really is a very important testimony to how hard the Housing Authority Police have been working to reach the highest standards. I remember probably it seems like three years ago that Frank Coppola told me that you were going to become accredited. I didn't even know at the time what that meant and I have learned a lot about it since.

So I want to thank you personally, Frank, for your hard work and Stanley Lowe and everyone else who worked so hard on this. It's a feather in Pittsburgh's cap for the Housing Authority Police Department to become accredited. So thank you.

Ms. McDonald:

Mr. President, I also want to congratulate the group. In fact, when I had introduced the legislation for our own City of Pittsburgh Police Force to be accredited in lieu of trying to tighten up a lot of the problems that seem to exist, it was Commander Pekar that had called me immediately when she found out I was about to introduce this and acknowledge that you all were in the process of it. Then I talked to Chief Coppola.

So I want to congratulate all of you for taking the lead on this process. All I would ask is that since the city is still in the movement process of gathering up whatever data and documentation that is required, because I know it is very paper intensive, very paper intensive, that you would let Council know how things were and how they are after the fact. After accreditation, before and after. I would like to see with this accreditation what has been changed. I am sure I am going to get a good report, but I would like to know specifically.

If you could provide that down along the road after accreditation, you have just been accredited, but after it really kicks in. But again congratulations to all of you. I am very proud.

Mr. Udin:

Commander Pekar didn't know that she was going to be called up to speak, she also doesn't know that I am going to speak about her also. She doesn't blow her own horn. She just goes about her work doing her work in the most professional manner that she can.

Often times we talk about police officers who are willing to make a serious genuine commitment to their work. When the Housing Authority offered police officers the challenge of moving into the Housing Authority, Commander Pekar moved into the Public Housing Community, has been living there and continues to live there and participate in the full life of the community. You can see the rapport that she has with the community when she walks up and down the street.

Stanley Lowe has also moved into the Housing Authority and demonstrating a high commitment of personnel integrity, and involvement.

I just want to thank Commander Pekar not only for the work that she did in coordinating the accreditation but for all of the contributions that she makes to the community. Thank you very much.

Mr. Ferlo:

I would like the representatives from the Pittsburgh Dance Council to please come forward.

We have Lisa Kavola (phonetic) here today Public Relations and the Development Associate for the Dance Council and Pam Golden from the Board of Directors of Pittsburgh Dance Council, Meredith Adams, Director of Communications for the Pittsburgh Dance Council.

My apologies to my colleagues, I was busy with the Halloween Parade yesterday, and didn't get these proclamations together and that is why you don't have one in front of you. I am winging it because I am good at it. So my

apologies to our great folks here representatives from the Dance Council.

But we would like the following official proclamation read into the record and be a part of the official proceedings of this legislative body.

MR. FERLO PRESENTS:

No. 890 The Council of the City of Pittsburgh does hereby declare Saturday, October 31, 1998 as "DOS ALAS DAY" in the City of Pittsburgh officially greeting and recognizing the Pittsburgh Dance Council's hosting of the Grupo AfroCuba de Mantanzas dance performance group and the Los Hermanos Cepeda dance group from Puerto Rico.

The Council especially welcomes our friends from our Sister City of Mantanzas, Cuba and applauds their appearance and performance skills which will be viewed by an enthusiastic Pittsburgh audience at the Byham Theatre, October 31 and November 1, 1998.

The Council hereby commends the Board of Directors of the Pittsburgh Dance Council and its staff for recognizing and helping to strengthen the important connection between the City of Pittsburgh and our Sister City of Mantanzas, Cuba.

City Council further recognizes the Pittsburgh Dance Council for their efforts and success in enhancing the City of Pittsburgh's reputation as an international cultural center by fostering the growth and appreciation of dance while facilitating dialogue on social issues through the artists' creative process.

MS. MCDONALD moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

Mr. Ferlo:

This is very exciting for the City of Pittsburgh. It is probably not only here in the City of Pittsburgh but almost nationally probably one of the first times that I can remember that a significant cultural group and artist group from the island of Cuba is visiting the United States and specifically Pittsburgh. This performance DOS ALAS which means two wings, is going to be a combination of two great cultural dance performance groups from Puerto Rico and from Cuba.

They're being hosted here by Pittsburgh Dance Council in addition to formal performances at the Byham. I believe there is an event at Rosebud, and probably some other events, which maybe our friends can highlight. But we really appreciate and we want to thank the Pittsburgh Dance Council for their leadership. They continue to set the pace, not only in cultural performances but what they are enlightened and progressive view about how important art is and cultural and how it is important to create sister city friendships and relationships.

We have a lot to learn from each other, and we have a lot of skills whether it be in the form of science and academics or it be in theater and art, you name it. The more we can relate to people at a people to people level I think the better off the world is going to be.

So we are very appreciative of the Dance Council and all the good work they are doing. I want to ask our

representatives to say a few words about the two dance groups and what we can expect from their performance here for a couple of days and some of the other events that are being hosted. Also, let us know how we can get tickets, which are still available I believe.

Ms. Adams:

My name is Meredith Adams, I am the Director of Communications for the Pittsburgh Dance Council. I would first off like to echo Councilman Ferlo's comments about mutual understandings and cultural exchange and also the excitement that we share for this somewhat historic event; bringing DOS ALAS Two Wings to Pittsburgh.

It's going to be an exciting weekend as he said. We are kicking off the weekend with an event at Rosebud; it is a Rombatso (phonetic), which is a drumming and dancing event. We combine Puerto Rican Bumba (phonetic) and Cuban Rumba forms. Like I said, it will be drumming and dancing and a great time at Rosebud on Friday night starting at 6:30 to 9:30.

We have two performances at the Byham Theater one at eight o'clock on Saturday night and the other at 2:00 p.m. in the afternoon on Sunday. There you will see the full DOS ALAS show, which again is more traditional work. A lot of drumming, a lot of dancing, just a very, very, very good time. So I hope you can all come out and support us and see these wonderful groups.

Ms. Golden:

Pam Golden, I am here with the Board of Directors for the Dance Council.

Councilman Ferlo, I want to thank you and all Council people for acknowledging that art can be used to build bridges in the international community and in this case specifically between Cuba and Pittsburgh and Puerto Rico and Pittsburgh. So we thank you for this acknowledgement and we will really appreciate it.

Speaker:

I just wanted to add that I think the gesture that is being made with Pittsburgh and Cuba, the city of Mantanzas is a wonderful exchange. We are doing a terrific job of promoting that uniqueness that we have here in Pittsburgh and that they have in Cuba. I am glad that the city has embraced this in the way that they have.

If you are interested in tickets to the performance we wouldn't want to leave without saying that, they are available by calling the Benedum Box Office at 456-6666.

I hope some of you will be able to attend. It should be a fun appearance.

Mr. Ferlo:

Again, I don't think you will be able to sit still in your seats when you see these performances but we do want to note that Roberta Singer who is an ethnomusicologist, worked for over a year putting this whole program together, I believe. We want to let her be recognized also this morning and thank her for her efforts.

Again, tickets are available at 456-6666 for the performance, and tickets range anywhere from I believe eighteen to \$40. So it is going to be a great event and we look forward to seeing everyone

participate. Thank you.

The Chair:

Arlene Baxter and Ron Joseph please come up. This is an annual event in Pittsburgh. I believe this is the second and/or third time you have been to City Council and it is kind of a kick off of the holiday season. Dr. Baxter is the Executive Director of MADD, and Ron Joseph is the Vice President of RPS Trucking.

I will read the proclamation and there are a lot of exciting things going on around noon today. So I will let you tell about them.

MR. O'CONOR AND ALL MEMBERS OF COUNCIL PRESENT:

No. 891 WHEREAS, the safety and welfare of all Pittsburghers is of prime concern and deserves the utmost attention; and,

WHEREAS, drunk drivers are causing death, injuries, destruction of property and tragedy to families of victims of drink driving; and,

WHEREAS, Mothers Against Drunk Driving (MADD) was founded 18 years ago, and through wide acceptance of its precepts counts more than one million members; its volunteers across the nation dedicating countless hours to providing for victims and preventing further drunk driving tragedies, and serving a vital role in the enactment of more than sixteen-hundred laws; and,

WHEREAS, RPS, Inc., a company with an outstanding safety record headquartered in the Pittsburgh area, is joining MADD A/W/B in launching a Red Ribbon Holiday Safe Driving Public

Awareness Campaign for the Pittsburgh area, to make the driving public aware of the dangers of impaired driving during the fall and winter holiday season; and,

WHEREAS, Ron Joseph, RPS Vice President, Transportation, Safety and Maintenance has been named the Honorary Chairman of the '98 Red Ribbon Program.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh urges citizens to display the traditional red ribbons, MADD's Symbol of safe and sober driving on their vehicles, participate in the public awareness campaign, and take part in the Designated Driver program in support of safe driving; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh commends MADD and RPS for sponsoring this worthwhile project and hereby proclaims October 27, 1998, as, "Red Ribbon Day" in the City of Pittsburgh.

MS. MCDONALD moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Ms. Baxter:

Today is kind of a special day because we are kicking off the Red Ribbon Campaign a little bit early because Halloween has kind of turned into an adult drinking holiday as well as the children's candy holiday.

Just to remind you that it is a candy holiday, we are giving out, MADD and RPS their volunteers are going to be at

Fifth Avenue Place between 12 and 2. They will be giving out candy bars to which we will affix the red ribbon, which we want you to then take and display on your automobile during the holiday season.

We are also going to be kicking off the Tie On a Red Ribbon with a Pittsburgh Police vehicle and an RPS van that will be the first to put on the red ribbons of the new '98 holiday season. So we wish you all a happy holiday a little bit early but also a safe driving holiday from MADD.

The Chair:

Arlene, you usually bring up the candy and ribbons to us, but now we have to go down.

Ron Joseph is this year's Chair. I might want to add his son, Brian, played third base for the All Star team of Squirrel Hill and took a trip to Disney World and did an outstanding job for representing Pittsburgh.

Mr. Joseph:

Thank you. Our company has been calling Pittsburgh home since our inception 14 years ago. We have grown now to be the sixth largest transportation company in America. We run thousands of vehicles throughout the country and highway safety is obviously very important to us and our people.

We want to be a good corporate citizen in making sure that we promote highway safety. We have strongly believed for the last four or five years in supporting MADD because they have been very effective in helping to improve highway safety by helping to change

legislation and by helping to make sure that people are more aware of drinking and driving.

If we could make one more person aware and they think about that and don't drink and drive and stay off the roads, it will be safer for all of us. We are just proud to help support Mothers Against Drunk Driving. Thank you.

The Chair:

Judith Painter and Michael Coleman please come up and also John Mascio our City Clerk to come around with us. Can someone do your job for a few minutes?

We have with us Judy Painter is the Executive Director of Epilepsy Foundation of Western Pennsylvania, Michael Coleman is Director of Public Support, and John Mascio is very, very involved with the Epilepsy Foundation. I am honored to read this proclamation.

MR. O'CONNOR PRESENTS:

No. 892 WHEREAS, Epilepsy is a common neurological disorder affecting more than 2.5 million Americans; and,

WHEREAS, over 120,000 people in Pennsylvania have epilepsy or seizure disorders, 44,000 of which reside in Western Pennsylvania; and,

WHEREAS, there is approximately 125,000 newly diagnosed cases of Epilepsy each year; and,

WHEREAS, Epilepsy affects children, young adults, and the elderly, and anyone is susceptible to Epilepsy at any time; and,

WHEREAS, 20 to 30 percent of people with Epilepsy who are physically able to work are unemployed, and for many people, having Epilepsy has been less of a problem than overcoming negative attitudes about their intellectual and physical abilities, but changes in the law, especially provisions of the Americans with Disabilities Act, offer new hope in this area; and

WHEREAS, the Epilepsy Foundation of Western Pennsylvania, which, through its innovation and nationally recognized programs and services, public education, information, referral, employment training, advocacy, summer camp, community education events, seminars and workshops, endeavors to improve the quality of life for persons with epilepsy/seizure disorders.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh, hereby recognizes and proclaims the month of November, 1998, as Epilepsy Awareness Month in the City of Pittsburgh.

BE IT FURTHER RESOLVED, that this Council's commends and supports the Epilepsy Foundation of Western Pennsylvania on their outstanding work in assisting, informing and educating the people of Western Pennsylvania about epilepsy, thus creating a more positive impact on the public perception of the disorder and greatly enhancing the quality of life for people with Epilepsy.

MS. MCDONALD moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

Judith, I have been to quite a few of your functions and you really do an outstanding job. From the race and all the other things it really brings a lot of people together. We want to thank you so much for helping so many people. You want to come up.

Ms. Painter:

Thank you, President Mr. O'Connor and City Council members. On behalf of the thousands of people in the City of Pittsburgh who have Epilepsy and seizure disorders, I would really like to thank you for recognizing the work that we do. Another person I would like to thank is a fellow member or a fellow worker and John Mascio.

John has a child with Epilepsy and he has been very helpful to the Epilepsy Foundation over the years. Coming to Washington with us to advocate for services and for research dollars to help people with Epilepsy.

In particular I would like to thank the City Council members for their help with our employment program. As President O'Connor had said 25% of the people with Epilepsy are currently unemployed or underemployed and through some of those services through your help we have been able to provide some services. One in particular would be Meet the Employer Day and I am going to let Mike Coleman talk to you about that.

Mr. Coleman:

Thank you, Judy. Members of Council and President O'Connor, John,

ladies and gentlemen, Meet the Employer Day is one of many nationally recognized programs and services which we at the Epilepsy Foundation provide for members of the public versus with Epilepsy and seizure disorders. It will be held on November 18th this year and we simply bring together 15 to 20 major employers in the City of Pittsburgh and persons with Epilepsy/Seizure Disorders as Judy said many of whom perhaps in many cases are underemployed for the skills and talents that they have.

To wrap up in November it is National Epilepsy Awareness Month. If I can put a plug in, we are unveiling a new and improved website, EFWP.org that will be up on November 1st and hosting a number of events for persons with Epilepsy and Seizure Disorders throughout our 32 county delivery area.

If anyone has any further questions please don't hesitate to contact Judy or myself or members of our staff at the Epilepsy Foundation of Western Pennsylvania. Again, we thank you so much for this proclamation. Thank you.

Mr. Mascio:

Having a personal interest in the work of the Epilepsy Foundation, I just want to thank you guys and thank Council for allowing the use of this forum to acknowledge the hard work and dedication that they provide people with Epilepsy and also the family members and for helping to educate the public and elected officials about Epilepsy and to help erase the stigma attached to it. So thank you very much.

The Chair:

We have a couple to be read into the records.

MR. DIVEN PRESENTS:

No. 893 WHEREAS, Pittsburgh has been recognized as one of the safest major cities in the United States; and

WHEREAS, the low crime rates in Pittsburgh are the result of the close working relationship between the Pittsburgh Police and the residents of the City of Pittsburgh; and

WHEREAS, many Pittsburgh residents selflessly volunteer their time to support the Police Crime Prevention and Community Police efforts; and

WHEREAS, the Pittsburgh Police will recognize one hundred eighty seven (187) volunteers who have donated countless hours of their time in all six of the City's Police zones tonight at the Greek Church on the North Side.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize the efforts of the citizens who volunteer their time to support the operations of the Pittsburgh Police Bureau.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Monday, October 26, 1998 to be "Pittsburgh Police Bureau Volunteer Day" in the City of Pittsburgh.

MS. MCDONALD moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. O'CONNOR PRESENTS:

No. 894 WHEREAS, in September of 1917, thirty-five families gathered for prayer to establish a new congregation to serve the needs of a growing Jewish community in Squirrel Hill, Pittsburgh Pennsylvania; and,

WHEREAS, in July, 1919, the congregation adopted the name "Beth Shalom" meaning the "House of Peace" and, on March 18, 1922, ground was broken for a new building at the corner of Shady and Beacon Avenue, where the founders and those who have followed established a strong and vibrant center of study, prayer, and cultural activities within the Jewish community; and,

WHEREAS, On October 8, 1996, a terrible fire heavily damaged the building, yet, thankfully, no one was injured and, on that day, the Congregation Beth Shalom began the process of healing and rebuilding; and,

WHEREAS, some two years later the Congregation Beth Shalom after having made extensive renovations to its fire ravaged building, will rededicate it's beautiful new synagogue on November 1, 1998; and,

WHEREAS, Congregation Beth Shalom has much to replace what has been lost and built anew, serving as a testament to their commitment to the past and a lasting legacy to future generations who will come to this beautiful House of G-d to find peace and comfort.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby extend its

congratulations and best wishes to Congregation Beth Shalom on the occasion of the rededication of its temple and acknowledges the dedication and hard work of the Congregation to secure a better future for its Congregation and for the greater community of Pittsburgh; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh in recognition of this happy occasion does hereby declare Sunday, November 1, 1998, as "CONGREGATION BETH SHALOM DAY" in the City of Pittsburgh.

MS. MCDONALD moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

We are now moving to presentation of papers.

MR. FERLO PRESENTED:

No. 895 Authorizing and directing the Treasurer, City of Pittsburgh to immediately comply with the provisions of Article VII Business Related Taxes, Chapter 241:Amusement Tax, Section 241.03 Permit Application, Issuance And Use as it relates to the illegal activities of the Pittsburgh Penguins and their fraudulent collection of the City's 5% Amusement Tax; communicating to the District Attorney and authorizing the Solicitor to initiate legal action. (SPONSORED BY MR. FERLO)

Which was read and referred to the Committee on Finance and Budget.

No. 896 Resolution

providing for acquisition of Lot and Block No. 61-S-292 located at Whited and Jacob Street from the Housing Authority of the City of Pittsburgh; and providing for the payment of the cost thereof, not to exceed \$20,000.00 chargeable to and payable from Account 600000, Fund 5100, Org 301000, Sub-Class PGHPR, Project/Grant 2252111, Budget Year 1996.

No. 897 Resolution further amending Resolution No. 976, effective January 1, 1996, as amended, entitled, "Adopting and approving the 1996 Capital Budget and the 1996 Community Development Block Grant Program" and approving the 1996 through 2001 Capital Improvement Program by transferring \$20,000 from various line items to Property Acquisition-Engineering.

Which were read and referred to the Committee on Engineering and Construction.

MR. FERLO moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. ONORATO seconded the motion.

Which motion prevailed.

MR. HERTZBERG PRESENTED:

No. 898 Resolution further amending Resolution No. 1018 effective January 1, 1997, as amended, entitled "Adopting and approving the 1997 Community Development Block Grant Program: and approving the 1997 through 2002 Capital Improvement Program,

"transferring \$35,000 from Brick/Blockstone to a new line item "Graffiti Removal Program".

No. 899 Resolution further amending Resolution No. 976, effective January 1, 1996, as amended, entitled "Adopting and approving the 1997 Community Development Block Grant Program; and approving the 1997 through 2002 Capital Improvement Program, "transferring \$45,000 from Pavement Management to a new line item "Graffiti Removal Program".

Which were read and referred to the Committee on Public Works, Water and Environmental Services.

MR. HERTZBERG moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. FERLO seconded the motion.

Which motion prevailed.

MS. MCDONALD PRESENTED:

No. 900 Resolution transferring the amount of \$5,200 from Sub Class: 010, Salaries, City Council, Account: 511000, Org: 101100, Fund: 1000, Budget Year: 1998 to Sub Class 150, Miscellaneous Services, City Council, Account: 526125, Org: 101100, Fund: 1000, Budget Year: 1998. **(SPONSORED BY MS. MCDONALD)**

Which was read and referred to the Committee on Finance and Budget.

MR. RICCIARDI PRESENTED:

No. 901 Resolution providing for the issuance of a warrant in favor of the Lions Club of Oakland, Inc., in the amount of \$37.30 in payment for a replacement sign removed and lost by city workers from the location of Forbes Avenue, chargeable to and payable from Code Account 46 Judgements, Index Code 004606, Fund 1000, Sub. 170, Account 582200, Org. 999200. **(SPONSORED BY MR. RICCIARDI)**

Which was read and referred to the Committee on Finance and Budget.

MR. UDIN PRESENTED:

No. 902 Resolution authorizing and directing the Mayor to enter into an Agreement or Agreements with qualified telecommunications consultants for professional services, expert advice, and other related services in connection with the development of a comprehensive telecommunications policy for the City of Pittsburgh, in a total aggregate amount not to exceed \$100,000, chargeable to and payable from revenue currently housed in the Cable Television Trust Fund 2815, Organization 124000, Sub 150, Account 526150, Budget Year 1998. Said Agreement or Agreements shall be in a form approved by the City Solicitor and shall contain such other terms and conditions as may be in the best interest of the City.

MR. RICCIARDI moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. ONORATO seconded the motion.

Which motion prevailed.

Also,

No. 903 Resolution authorizing the Mayor and the Director of Finance, on behalf of the City of Pittsburgh, to grant a license to Pittsburgh Economic and Development Corporation, a non-profit corporation.

No. 904 Resolution authorizing the Mayor and the Director of Finance, on behalf of the City of Pittsburgh, to transfer its rights, title and interest for certain jointly owned property in the 19th Ward, City of Pittsburgh, designated as Block 61-C, part of Lot 125, to the School District of Pittsburgh in connection with the Pioneer Elementary School Access Drive.

No. 905 Resolution authorizing the City of Pittsburgh to issue a quit claim deed for property in the 19th Ward of the City of Pittsburgh, designated as Block 1 P, part of Lot 400, to the Port Authority of Allegheny County for the sum of \$200.00 and further to authorize a temporary construction easement surrounding said Block 1 P, part of Lot 400 and Block 1 P, part of Lot 61 for the sum of \$330.00.

No. 906 Resolution authorizing the City of Pittsburgh to issue a quit claim deed for property in the 19th Ward of the City of Pittsburgh, designated as Block 5 S, part of Lot 97, to the Port Authority of Allegheny County for the sum of \$610.00 and further to authorize two (2) temporary construction easements for the sum of \$1,410.00 and a permanent underground conduit easement for \$375.00.

No. 907 Resolution providing for the conveyance by the City of Pittsburgh

of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984, having been placed for sale to adjoining property owners in conjunction with the City of Pittsburgh/City Source Associates Sideyard Program.

No. 908 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were read and referred to the Committee on Finance and Budget.

MR. O'CONNOR PRESENTED:

No. 909 A petition from the residents of the City of Pittsburgh requesting a Public Hearing before City Council regarding fire safety issues in the South Side Slopes.

No. 910 A communication from Tom Flaherty, City Controller, submitting a Performance Audit of the Wayfinders Signage Program dated October, 1998.

The Chair:

Motion to receive and file?

MR. FERLO moved to receive and file and discussion.

Mr. Ferlo:

On the performance audit, that Mr. Ricciardi initiated many, many I think it was actually last year if I am not mistaken regarding the performance audit of the Pittsburgh Wayfinders Program. I

know there was a release of the audit by the Controller, there was a Press Conference. But giving the issues that Councilman Ricciardi and others have raised and given the discussion that is expressed in the Performance Audit Report by the Controller, I think it would be incumbent upon us to have a televised Post Agenda Meeting.

If the report is accurate, as I believe it is, we are talking about upwards of seven, \$800,000 that is outstanding and not being collected. It is not clear to me that the administration even has a plan or has thought about this issue in terms of actually collecting it. I am still a little confused how public records have disappeared. Public records that are not the property of an individual elected or appointed official, but they are public records involving the financial affairs of the City of Pittsburgh basically.

I would like to question that. I am sure there are many colleagues who have other questions including what is the status of the program right now? Are there other additional signs that need to be put up and taken down, painted up, it really needs to have a formal Post Agenda Meeting.

I would like to make a motion that together with Mr. Ricciardi we try to establish a time in which we can have a cable cast Post Agenda Meeting.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Hertzberg:

While on the topic, I had the opportunity to review the audit. I am very

concerned about it. The Controller estimates conservatively that we are owed \$715 thousand and that only reflective of the number of contracts that he was able to find. There are apparently a number of facilities that have signs that were never even asked to enter into a contract with the city.

I would note a slight error in this audit in which it is stated that the West End has signs. That's not accurate. There are exactly three signs in the West End that take you from the West End Circle to the West End Elliott Overlook. That's it. For starters the West End Elliott Overlook needs to have signs directing visitors to get there from a number of different places other than just the West End Circle.

I have also sent a list over of 20 to 30 other destinations in City Council District Two that are in need of the Wayfinders signs. So Council District Two is far from being completed in this program.

I also share Councilman Ferlo's concerns about these contracts. It is stated in this audit that the individual who was in charge of the program took contractual documents with him when he left the city. There are no employees of this city or of any other entity that has a right to take the contracts or the work product of the employer with them to another place. I am surprised if we have known this for so long why no one is doing anything about it? That is if that is what really happened here. I don't know what happened.

Someone dropped the ball terribly on this thing. Council has been bringing it up now my records show since the spring of 1997. There have been complaints from Councilman Ferlo, Councilman Ricciardi

and myself about this program.

Finally, we have to learn from our Controller here some of the reality of what is really happening. This is a big problem. It's being downplayed I think and it shouldn't be downplayed. This is a major problem; this is potentially a major scandal here. I don't know why no one is taking it seriously. I am taking it seriously. I hope everyone else on Council takes it seriously.

I am looking forward to the Post Agenda on this and to try to get some more answers because this is the tip of the iceberg in this audit. There is apparently a lot more that we can find out.

The Chair:

Mr. Ricciardi has been saying this for quite a while.

Mr. Ricciardi:

I just want to thank Mr. Ferlo for bringing this up. I appreciate the comments from Councilman Hertzberg. I think it does warrant a Post Agenda where we cannot only talk about the past but really move on. Because the goal of Mr. Diven, Mr. Hertzberg and myself in the past has always been to make sure that the Wayfinders sign, the ability to navigate the city streets for businesses and tourists and residents does happen over south and southwest of the rivers.

But I really want to mention that I think Councilman Ferlo has hit upon one specific point for several years and that is we would like to talk about the consultant and what the did the consultant receive in all of this? For example, I did review the audit, but there is something missing in

that audit and that's private foundation money.

I recall and I think some of my colleagues including Mr. Ferlo might be able to bring to the table that I believe a foundation gave upwards of \$500,000 of its money that also went into this and the audit doesn't cover that I don't believe. So, I am curious about the consultant himself how much money did he walk away from?

So there are some issues and I understand we are going to talk about the past. But I am looking forward to talking about the Post Agenda to talk about the future. That is, how do we get this program now to happen south and southwest of the rivers? Thank you.

The Chair:

I certainly agree. I remember when we voted for this five, six years ago that that was a major part of it. That the foundations, hospitals, were supposed to match and that hasn't happened, we have been hoodwinked.

Mr. Ricciardi:

Well one foundation, Mr. O'Connor, from the information I have received through the grapevine, did contribute \$500,000, which is not part of the audit. So there is a \$500,000 bill out there floating somewhere. I would like to know why did the consultant receive that amount including other capital money?

The Chair:

We look forward to getting some of these Wayfinder signs in the south and west.

Mr. Ricciardi:

On another note, I just really want to thank the Controller and their fine staff for the work they did on this. Because with the limited amount of documents that they had, it appears they did a very, very professional audit. One that took into account the sensitivity and the nature of the audit itself. But I think that it really does warrant a Post Agenda as Mr. Ferlo has pointed out.

Mr. Hertzberg:

I want to just follow up on an item here. Again, the consultant is another area that I don't think was examined at all by this audit. It needs to be examined. Because I have information that some of the bills that were sent out for these charges were supposed to charge a certain amount for the signs to reflect the cost of the signs. But they were actually told the people that received the signs were told, you can pay this consultant that amount of money and it will then be offset.

So if you owe the city 36,000, you can pay the consultant 36,000 and that will take care of your bill. So I am wondering what really happened here? How much did the consultant get paid? What really went on? I know the consultant was supposed to stay with us through the entire program, didn't stay with us. What really happened here? I don't know. I want to know.

The Chair:

We will schedule a Post Agenda as soon as possible. Any recommendations of who you would want at that Post Agenda including the consultant if he will show up.

Any unfinished business to come in front of Council?

Hearing none move to Committee Chair Reports. Mr. Hertzberg, would you like to give your report?

CHAIR REPORTS

Mr. Hertzberg:

Thank you Mr. President.

The first topic I would like to talk about on Public Works which I think is very timely is the removal of signs that are in the public rights of way and otherwise on public properties in accordance with the legislation that City Council passed last February, this February 1998. We passed an ordinance that declared that unauthorized signs were not permitted on any public property including the rights of way, including the complete rights of way which are the areas around our streets. With elections not too far off, this is probably the time when we see the most unauthorized signs.

About three weeks ago and in accordance with a section of legislation that authorized the Public Works Director to actually send this ordinance out to people that were running for office warning them. A letter went out to everyone that was running for office within the City of Pittsburgh enclosing a copy of our ordinance and notifying them that it would be enforced.

Notwithstanding that there have been numerous violations I know of one division that they have been removing approximately 85 signs on any given day and the sad part of it is, the signs are

reappearing in the same places and they're the same signs. Notwithstanding our ordinance, and I think there are some people out there that are basically thumbing their noses on our efforts to try to do something about the litter including these signs that I consider to be litter.

If you want to put one up in your yard that is fine or some other private property, but when they are just going up by the roadsides, I think they're a bunch of litter. I am asking Public Works Department that if these people are going to be repeat offenders that it is time to kick in the fine provision of this ordinance and fine these people.

I mean one time we will pull your sign. But if you are going to keep doing this and thumbing your nose at us and thinking you have some kind of right to do this on our public streets which you don't, it's time to put the fine provision into enforcement. I appreciate if anyone else on Council has any thoughts or their experiences in their own Council District at this time.

The Chair:

On that note, Mr. Ferlo passed a law at one time where we had a fine of \$10 per sign, I believe. I think we should start looking at it now because next May is really going to be with the County Council, Judges, and the big election coming in May.

I am sure this will be a major problem next spring.

Mr. Hertzberg:

The fine amount is a maximum of actually \$300 per sign and a minimum of

at least the cost to the city, which there is a cost to remove these signs. The cost of driving a vehicle around, the fuel, the storage costs. We have to store them for so long before we dispose of them and disposing of the signs once we remove them. So there is -- it could go up to \$300 as punishment.

The second topic is the move that Public Works made from the six-division plan to a five-division plan and some of the benefits that we hoped to achieve in Public Works from that are the increase and the ability to communicate. It is easier to communicate to five supervisors than six. It is a better consolidation and allocation of personnel. It is an opportunity for employees to transition into other work areas. It is a better consolidation and allocation of equipment. It reduces administrative costs and reduces the equipment storage facilities.

The problem in measuring the real output since the program went into effect in April has been created by our unusual weather this past summer with the tornado and then later what they are calling the microburst. We really can't get a good read on how the five-division plan compares with the six division.

As far as just performing the basic services like patching potholes, cleaning out catch basins, because so much people had to be diverted to do the work related to the tornado and the microburst. But the one statistic we do have is the number of Mayor Service Center complaints, which are lower this year than they were last year. There are 178 less of them.

Final topic is the playgrounds and the plans for monitoring the playgrounds and maintaining them. I think everyone is

very happy to see all the new playgrounds and to know plans have been made to rehabilitate every single playground in the city. But at the same time we have to be concerned that they're maintained properly after these large investments are made. It is a two-pronged approach to maintenance that Parks and Recreation and Public Works are taking.

Number one is to try to bring in some community involvement. I think we are all familiar with Partners In Parks and a variety of different ways, Adopt A Park, those kinds of program to bring community involvement into play and maintaining the new playgrounds.

Number two is Public Works. Public Works is committed to having inspections by supervisors and foremen on a weekly basis including checking the surfaces of the different playgrounds. That's my report, Mr. President.

The Chair:

I am just curious how many calls a year does the Mayor Service Complaint get? Do you have that in front you?

Mr. Hertzberg:

No I don't. Just the decrease, I don't have the total.

The Chair:

I don't think I want that job. Thank you very much for your report.

Mr. Ricciardi:

Councilman Hertzberg, thank you for that report. I agree with the Councilman regarding cleaning and

maintaining the parks. I just want to say from my view graffiti and vandalism has been very prevalent, it has been very limited. So the community is taking care of their parks, however, I think cleaning of the parks needs a step up.

In terms of just cleaning up the glass and the litter and it is something that we need to look into. Obviously, we are short of staff in the Public Works section, but we are going to make such a commitment to our parks, it would be nice if they are clean once we visit the parks. But I am very pleased to say at least in District Three and maybe the Councilman would agree with me throughout the City of Pittsburgh, I think vandalism and graffiti is not prevalent at all. I think that's a great sign for the dedication and the responsibility of city residents.

The Chair:

I think it is also when there is -- we have had some minor ones in some of our parks, the parks I see people. When you clean it up right a way and fix it, it doesn't drag on. When it is left there, then it kind of invites other people. So there are a lot of people to get credit for their hard work and initiative and including like you say. I think Pittsburgh is very proud of their parks and if they can take much better care of them, than the past.

Nothing further? Move to reports of committee.

REPORTS OF COMMITTEES

MR. UDIN PRESENTED:

Bill No. 911:

Report of the Committee on Finance and

Budget for October 21, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 862:

Resolution providing for the transfer of the amount of Six Hundred Thirty Thousand Dollars (\$630,000.00) to Code 45, Health/Life Insurance-Municipal Employees, Non-Departmental Personnel, Account 571100, Fund 1000, Organization 999200, Subclass 040, Budget Year 1998 from the Special Summer Food Service Program Trust Fund in the Department of Parks and Recreation, Account 581140, Fund 2855, Organization 521220, Subclass 600, Budget Year 1998. (PRESENTED BY MS. MCDONALD).

Which was read.

Also,

Bill No. 880:

Resolution authorizing and directing the City Controller to perform a review regarding the collection of the City of Pittsburgh Amusement Tax. (SPONSORED BY MR. ONORATO).

Which was read.

Also,

Bill No. 881:

Resolution transferring the amount of \$4,000.00 from Sub-Class 010, Salaries, City Clerk's Office to Sub-Class 030, Education and Training, City Council,

Budget Year 1998. (SPONSORED BY MR. UDIN).

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills.

Mr. Ferlo:

Mr. Onorato's Bill 880 regarding the request of the Controller to do the audit for review of the manner in which the city collects the amusement tax. I want to ask that the Controller's Office look from the eye of not only a fiscal audit, but a performance audit. Fiscally who actually is obligated to pay it as the resolution requests? What has been the payment?

The administration is on record this week as saying that the only back tax owed by anybody under amusement tax is the Pittsburgh Penguins. We obviously would like to know that but also from a performance point of view, is there a problem in the system? I am still perplexed as to how the system since this passed in February in the case of the Penguins at least did not know or did not care or did not think to inform Council or act relative to the fact that the Penguins had failed to forward the amusement tax income 15 days following the end of the month as required under the city code?

So I would ask them to look from the performance point of view, about whether or not there is a problem in the collection system in the Revenue Department and in the Finance Department or exactly what the problem

is?

Mr. Onorato:

As a follow up on that, I would hope that the Controller also if he finds out that there was a so-called payment plan which is totally illegal as far as I am concerned, that we have a documentation of what that plan was and how it was negotiated? I think what Mr. Ferlo is also getting to because obviously it did not come in, we didn't find out about it until now.

There is a procedure that the Controller's Office can review now to find out why it wasn't collected and what were the terms of the so-called payment plan that is out there which we still haven't seen any of the terms of it. It has all been a verbal discussion from last week. So I would hope that that is part of his audit too.

Mr. Ferlo:

There is a bill that we waived rule eight on which I will submit today regarding the whole issue of the Pittsburgh Penguins illegal and fraudulent keeping and use of our amusement tax revenue, close to a million dollars. When that bill does come up tomorrow and I would ask that the Controller's Office be ready to be represented.

I have questions to them and the Law Department as well apparently an attorney has been hired by the Solicitor. I would like him or her or they question also regarding the bill that's up tomorrow. But the City Code is clear, I think, the revocation and suspension of the amusement permits have already taken place.

The Chair:

I am sure we will cover most of this tomorrow, but I would like to include also not only the amusement tax but also the parking tax is the same type of tax. It is not their money. They are only handling it for us for 30 days, collecting it for us. So there should be a red flag, and I don't even believe it ever should get to the Controller's Office for any type of payments.

The Finance Department should be collecting this money. I think we covered that last week. Tomorrow I hope to have as you say a better answer how we are going to get this money and red flag it if it isn't there.

The bills are now ready for final action. All in favor of the passage of the bills vote aye when your names are called; all opposed vote no.

Clerk, please call the roll.

The aye and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)
AYES	Nine
NOES	None

Bills have received the legally required number of votes and are passed finally.

MR. HERTZBERG PRESENTED:

Bill No. 912:

Report of the Committee on Public Works, Water and Environmental Services, for October 21, 1998, transmitting two ordinances and one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 742:

An Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article I, Regulated Rights and Actions, by adding Chapter 620 – Requirements for Temporary Excavations **(SPONSORED BY MR. FERLO)**.

Which was read.

Also,

Bill No. 809:

Resolution granting unto Kossman Development Company, 11 Parkway Center, Pittsburgh, PA 15220, their successors, and assigns, an encroachment to construct, maintain and use at their own cost and expense, a cyclone fence on Alpena Street, in the 5th Ward, 6th Council District, City of Pittsburgh.

Which was read.

Also,

Bill No. 861:

An Ordinance amending the Pittsburgh Code, Title Four: Public Places and Property, Article I: Streets and Sidewalks, Chapter 416; Obstructions, by

adding to Section 416.03 "Street Encroachments and Major Street Obstructions: Permit Required", Subsection 416.03 (d). **(SPONSORED BY MR. HERTZBERG)**.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Hertzberg:

Thank you. Bill No. 861 I have distributed an amendment on that. It just makes it clear that the Department of Public Works is responsible for enforcing this new subsection requiring anyone applying for an encroachment to not have any delinquent taxes or any building code violations.

So, I think Mr. Udin wanted it clear that Public Works was to do that and that's what the amendment does. So I make a motion to amend.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Ferlo:

Mr. President, I want to thank my colleagues for supporting Bill 742 which is an ordinance which basically takes back our public streets right of ways.

For years we have had to put up with utility company contractors, plumbers, all kinds of contractors of one sort or another who basically dig our street up hundreds of times a day, thousands of

times a year. We have several millions of dollars in operating dollars and bond funds, capital budget dollars, CDBG dollars invested in the street surfacing, asphalt and the like, concrete slabs, only to see contractors dig up holes for gas, water lines, other kinds of mechanicals only to put the street back and not in the same order that they received it. You can drive down any city residential street, any street in our commercial corridor especially streets of late, I can show you many streets if you look at South Pacific Avenue. Equitable Gas was there two weeks ago.

If you go to 331 South Pacific and look in front of it, you will see our beautiful brand new asphalt street, tree lined, South Pacific is a beautiful residential street. Councilman Cohen will attest to that, beautiful apartments, Victorian gardens, great porches, probably one of the best asphalt jobs I ever saw the city do. Who comes along the next day, Equitable Gas, after the job is done.

They did not restore the street per the PPW, Public Works Specifications. If you drive around any city street you will have your bumper and your rear end, or your front end, your rear end too, and your front end of your car bounced around because you will be hitting indentations and the like.

This bill requires legal obligations for these contractors to comply with a set of guidelines that have been drafted by the department of Public Works, regarding the manner in which street excavations will take place, the manner in which streets will be restored to their original condition.

Secondly, it provides an opportunity for the community and adjoining property owners to help us

police this.

This requires everyone of those darn metal plates that you see bouncing around on city streets to be placed properly in the street for temporary excavation. But they will in the future have a very bright orange permit number with the name of the contractor, the phone number. So that if residents or adjoining property owners see that work is being done. These metal plates are bouncing around and sometimes often times contractors don't even have names of their company's on the equipment. This will require that orange placard, permit number, phone number of the construction company be on that metal plate and we can join and help Public Works do the proper enforcement that they need to do.

Thirdly, most importantly, provides for significant fines. There will be an initial warning, but if contractors do not fulfill the obligations of the excavation requirements, and the street restoration requirements there is a \$300 first fine, \$500 second fine, the third fine is the revocation of their ability to do work in the City of Pittsburgh. We license all contractors if they do not perform appropriately and follow the guidelines, they will have their license revoked and therefore they will not be able to perform and collect money and do work in the City of Pittsburgh.

This is not only an esthetic issue; it is a safety issue. Often times I have been on city streets to see cars quickly stop and break because they have hit these metal plates only to have cars behind them rear end them. So it is a safety issue, it is an esthetic issue. It is a social order issue in terms of what is happening in our communities, and I want to thank my

colleagues for their support.

The Chair:

Any further discussion?

Bills are now ready for final action. All in favor of the passage of the bills, vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Ricciardi
Mr. Udin	Mr. O'Connor
	(Pres't)

AYES **Eight** **NOES** **None**

Bills have received the legally required number of votes and have passed finally.

MR. RICCIARDI PRESENTED:

Bill No. 913:

Report of the Committee on Housing, Economic Development, and Promotion, for October 21, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 717:

Resolution authorizing a Cooperation Agreement or with the Urban Redevelopment Authority of Pittsburgh, the County of Allegheny and the School District of Pittsburgh providing for the financing, monitoring, implementing and terminating of the center Triangle Tax Incremental Financing District as amended by Amend No. 1 (Council District 6). (PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG). (HEARING HELD OCTOBER 16, 1998)

Which was read.

Also,

Bill No. 718:

Resolution Adopting a Tax Incremental Financing Plan presented by the Urban Redevelopment Authority of Pittsburgh creating the Broadhead Fording Tax Incremental Financing District and making certain findings. (Council District 2.) (PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG). (HEARING HELD OCTOBER 16, 1998)

Which was read.

Also,

Bill No. 719:

Resolution authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh, the County of Allegheny and the Pittsburgh City School District providing for the Financing, Monitoring, Implementing and Terminating of the Broadhead Fording Tax Incremental Financing District. (Council District 2). (PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG). (HEARING HELD OCTOBER 16, 1998)

Which was read.

Also,

Bill No. 720:

Resolution Adopting
Amendment No. 1 to the Center Triangle
Tax Incremental Financing Plan presented
by the Urban Redevelopment Authority of
Pittsburgh, and making certain findings
(Council District No. 6). (PRESENTED
BY MR. RICCIARDI AND MR.
HERTZBERG). (HEARING HELD
OCTOBER 16, 1998)

Which was read.

The Chair:

You have heard the reading and
title of the bills, any discussion on the
bills?

Mr. Diven:

I would like to make a motion to
recommit Bill 720. I asked for a legal
opinion from the URA last week
concerning the ATM attachment
amendment that I offered, but I voluntarily
pulled in return for their commitment to
give me a legal opinion. I still have not
seen that.

I would like to make a motion to
recommit so that we can discuss it.

MR. FERLO seconded the motion.

Mr. Hertzberg:

Point of order. There is an
amendment that I think everyone agrees to
that we should regardless of whether this

is recommitted or not, I think needs to be
made first.

I would ask Mr. Diven if we could
defer and have the amendment first.

Mr. Diven:

I think we can make the
amendment tomorrow.

The Chair:

Why don't we put the amendment
in first.

Mr. Diven:

I withdraw my motion to
recommit.

MR. HERTZBERG moved to amend
Bill No. 720.

MR. RICCIARDI seconded the motion.

Mr. Hertzberg:

It provides the seven million that
was planned to go into the Fifth and
Forbes retail corridor will not be expended
without the prior approval of the City
Council of the City of Pittsburgh.

Which motion prevailed.

Mr. Cohen:

Just one question on that. I fully
support the amendment. Does that mean
that any expenditure, any sub part of that
seven million dollars we would have to
approve? Or that they come back with a
list of how the entire seven million is
going to be spent or is it going to be
literally every dollar they spend they come

back to us?

Mr. Hertzberg:

My understanding is no. I mean, we are not going to see every cent of that and have to have meetings every week as the money is being spent. I think we are going to get an outline of a proposal of how that money will be spent and at that point and time it's going to be on us whether we agree or don't agree.

Mr. Cohen:

That's fine. Obviously it is going to be spent over a period of time as long as they give us an outline in advance I support it.

MR. DIVEN moved to recommit.

The Chair:

There are two pieces of legislation here 717 and 720. Is it your intention to hold both?

Mr. Ferlo:

They're both companion bills.

Mr. Diven:

Recommit 717 and 720.

MS. MCDONALD seconded for discussion.

Ms. McDonald:

On the recommitment. Again, I appreciate the fact that we do want to have more neighborhood development in the sense that most people understand neighborhood development and to be able to have funds there. In terms of a trust

entity whatever to ensure that we do have neighborhood development. I have not gotten necessarily a statement or some type of phone call from the administration to alert me if this would put it into jeopardy.

But I do want to say though that the more we keep recommitting and playing with this, the more likely it will be that large entities or profitable entities that will help us with our city coffers may get a little more hesitant to come into the fold of the city when they see this type of bantering back and forth.

Again, I don't have a problem with the recommitment for a week. But I guarantee by next week I am going to have to make a decision. Whatever bantering, whatever kind of negotiations are going to go on, they need to go on this week and get it over with. It is like do your business and let's move on. Because this Mellon project we can call it a TIF, we can call it a center district, center triangle, it is the Mellon TIF that we are dealing with right now. I do believe because this is basically already. There has been too much finality already on this. We do need to move forward. We do need to move forward.

Again, I urge my colleagues that we do need to negotiate. Let's not jeopardize a lot of development that is going on. It is going to help our city coffers, okay? Some money is better than no money. I don't think we need to keep playing with this.

Mr. Ricciardi:

Thank you, Mr. President. I cannot support the recommitment today. I am very pleased that the administration has not fought putting the \$7 million of the TIF

moneys into a trust fund. I think that continues to give us oversight of a very important project, the Fifth Avenue Forbes Avenue, but it also offers that leverage for us. The leverage that we were hoping and wishing for and will be mandating additional moneys and funding for our neighborhood traditional business districts throughout City of Pittsburgh. That \$7 million is good leverage.

Also, we have a letter from Mayor Murphy stating that during the budget times that we will have his support. I have argued for and I will continue to support additional funding for our traditional business corridors throughout the City of Pittsburgh. But at the same time I believe there needs to be cooperation between this legislative body and the administration and others out there such as Mellon Bank.

I think the administration by saying that they will not veto the amendment that was put forward the \$7 million that we continue to have leverage out there. We have a \$7 million leverage out there. That is their project that they are champion, the Fifth Avenue, the Forbes Avenue cannot receive this \$7 million until we are pleased with a number of things. A number of things obviously is what they're going to do with the money and what is going to happen out there in the business district? I think we are at a crossroads.

The crossroads is that we have to send out a good signal to all others out there including cooperation's that are willing to take part in a TIF that at the same time send out the message that once we believe we have received a -- how would I put this? A policy position by the administration that now it's time to go on.

I think you do not back people in

the corner but you deal with them on a very adult playing and I think we have received this from the administration now. Thank you.

Mr. Ferlo:

My colleague, Mr. Ricciardi, speaks too loudly but carries no stick. I am completely dumbfounded at his turnaround and his comments today, which I applaud because I think they are right on the mark. But I don't understand why he wouldn't allow a recommittal of the bill to have further discussion? There are two fundamental issues that were addressed last week.

Now he is on a topsy turvey. I have said all along I am for the Mellon. If we have the appropriate development of the urban open space and if it is deemed appropriate as I stated in the paper recently, that we do not have capital bond funds. Our share of the infrastructure is to come up with money both from the Mellon TIF and the PNC TIF, I don't think that was unreasonable.

I am getting a little confused about positions that people are taking and not being consistent. There are two fundamental issues that we addressed last week. No where is the tale of two cities more evident than in the Mellon TIF and in the PNC TIF. But the Mayor himself in a speech to the Nabisco workers told the Nabisco workers don't be upset that we are helping the Plan B, the Pirates and the stadium, we are also going to help you.

I have heard the Mayor give repeated speeches where he tries to say we can do both. I am going to take him on his word. We can do both.

There were two things that were

discussed last week. First was the issue of where and how and in what manner and by what approval process the seven million of the Mellon TIF would be directed into the Fifth and Forbes Corridor? Council's involvement in discussion whether it be the manner in which the development will unfold? What the actual costs are? What infrastructure will be done? Whether this proposal for the Market Square would go ahead? There are a whole bunch of different issues that will be discussed.

So, holding it up was not holding it up in a vacuum, it was not delaying anything. That discussion last week prompted or changed an attitude in response to the administration that basically now says pursuant to Mr. Hertzberg's amendment that we will have some input in approving the Mellon TIF. We still have a reservation and an opportunity to vote separately on the direction of the seven million TIF.

But the second major fundamental issue that Mr. Ricciardi and everybody else at least practically everybody else, agreed to in spirit, was either memorandum of understanding or some sense of commitment from the administration about equity. About the support for the Mellon TIF, support for the PNC TIF. But the equitable relationship of city dollars and investment dollars in not only the downtown but at the neighborhood level. Now I am hearing something completely different.

I don't understand why we can't continue to have dialogue with the Mayor and the administration at the table tomorrow that's why I support the recommitment. So I can complete the second half of what I thought we developed a consensus on. That is an understanding

and a commitment from the Mayor and the administration of a minimal one point six million dollar commitment for the next five years each and every year and a set of other issues in terms of partnering with community development groups who are working on commercial revitalization at the neighborhood level.

So we got half the pie. With a recommitment vote we can have some further discussion. I believe we can maybe strengthen the Mayor's letter, which right now unfortunately is very nebulous. He does agree that he will go along with the \$7 million. Thank you, Mayor. But there is still the second fundamental issue about the NBDR, 1.6 million collaboration and support from the Mayor notwithstanding the fact as Councilman Onorato points out correctly last week that ultimately we can do what we want with the capital budget. I am sure we are going to do that.

But we also know it helps to have the working commitment of the administration, the technocrats, the folks that work day in and day out on development, the URA Staff. The partnership can't just be a hollow expression of Council in the allocation of dollars. It has to have some life to it. It has to have the staff people and the commitment of the Mayor and the URA to work with these neighborhood groups to really realize and bring about what we say at least in our words is our commitment.

Thirdly, is Councilman Cohen's point last week. That in addition to the minimum 1.6 million and that partnership we want to create and kind of consummate that marriage of the administration and neighborhood working groups. He also made up the point that in addition to that

pot of money let's try to explain and get some commitment about capital infrastructure dollars that we need at the neighborhood level.

We know legally and otherwise that that seven million TIF money is going to Forbes Fifth Retail. It is not going to be redirected back to any of the neighborhood agenda. It is questionable legally about whether it can even do that at this point.

So I am only asking colleagues to please reconsider and vote for the recommitment only so that tomorrow we can at least clarify the Mayor's three paragraph letter to us this morning trying to explain further what he will or won't support the neighborhood business district revitalization. Because this letter only says it is \$250,000. That is far short of what we were hoping to make in terms of a commitment. What is unreasonable? In the end we are going to be approving the Mellon TIF. But in the end, can't we approve the Mellon TIF and have our cake and eat it too? Can't we have the Mellon TIF, have the Forbes Fifth Retail, and have a commitment from this Council for the neighborhood business district initiatives? Vote to recommit.

The Chair:

I would like to keep the discussion going. There is extra money in the capital budget. I have spoken with Mr. Hertzberg and other members of the URA, but I think we can build to your million six. The only problem I have I don't like to hold Mellon hostage and that seems to be and everyone agrees at all of our meetings that the \$8 million for the Mellon Building is not part of the discussion. But I think indirectly it is and it's been prolonging them in their ability to build this new

building.

Mr. Ferlo:

They have already broken ground.

The Chair:

They have contractors, engineers. I think they are already to go. Mr. Udin and I were at the groundbreaking, so I would prefer -- again I agree with the spirit but I also have to -- again I would ask Mr. Diven if it is possible to support what we have today and come back. Again, I will criticize the Law Department, not getting back to you, but again that isn't Mellon's problem. That's our inner problem and why can't next week if it so chooses that it is legal to do what you want with the ATM's that we can always amend it and make it law after this.

So I am concerned that the more we delay this, the longer it's going to take Mellon and the construction people to go to work. Also, somehow the public relations of Mellon, which is 3500 new jobs maybe the PR out there doesn't send the same message that we are trying to send. We don't have a problem with the eight million for Mellon, but somehow Mellon seems to always be in the middle of it.

Mr. Hertzberg:

I think I have an idea of what can work here. I am really torn myself; I certainly don't want Mellon in the middle of this. It really has nothing to do with the merits of Mellon.

As far as I can tell the issue of Fifth and Forbes is handled here and the issue of the neighborhood business

districts is not really related to Mellon's project. It's related in the sense that it is another downtown project but that's all. I hate to see them held hostage.

I think what we can do here, is if we recommit and recess today's meeting until tomorrow then we are really only talking about 24 hours here if what Mr. Ferlo has said is accurate and I think it is. We just want to see the Mayor and I did have an opportunity to speak with him at length yesterday. I think although he is unwilling to make a five year commitment only because he's not sure that he can say every year for the next five years exactly where the money will come from.

He tells me that he is 100 percent with us. Which I think you may want to hear yourself, and I understand that. I can support a recommitment on a condition that we can recess today's meeting and act on this tomorrow.

The Chair:

That might be a good motion where you can bring yours up tomorrow.

Mr. Diven:

That would be acceptable to me but I think in the words of our Council President last week, he made the statements show me the money. I think when we start to talk about all of this billion dollars worth of development it's not unreasonable to make sure that there is at least five million that is set aside for neighborhoods. I think that's what we asked for and all we got was an amendment that says he has to come back and have approval over seven million dollars on this TIF.

Mr. Ferlo:

Which has to go downtown.

Mr. Diven:

Which has to go into the Golden Triangle.

We need to dig our heels in. We need to make sure that when this is all said and done the neighborhood organizations that came down to us and talked with all of us are protected. That they're allowed the opportunity to have the same ability to develop in the neighborhood as these major developments that are taking place downtown. I don't think it's being unreasonable. I don't think it's holding Mellon Bank hostage. It is not Mellon Bank's fault that we are at this stage, it is the administrations.

If the administration would step to the table and work out a compromise with Council that is going to provide the support and provide the funding for neighborhoods, then we wouldn't be in this situation. But because there is a lack from the administration to step up and agree to what turns out to be a five year agreement with one point six million a year, which is not a lot of money for the city to set aside for neighborhood development. Then they're the ones who are keeping Mellon from developing there, not us.

Mr. Ferlo:

May I raise one point of order? If we don't recommit, I am letting my colleagues know because some people have to leave around noon, I have a one hour presentation to make on this issue regarding the equitable distribution of capital dollars for Mellon versus the NBDR and the neighborhood

commitment. So, if we don't want to recommit --

Mr. Udin:

Point of order. I have had my hand raised for quite some time and I am getting very impatient at everyone else being allowed to speak, and you continually using the other side of the table. This side of the table has a right to speak.

The Chair:

Mr. Udin you have the floor.

Mr. Udin:

Despite all the protestations that this is not holding Mellon Bank hostage, it is holding Mellon Bank hostage. I support the neighborhood business development districts. I support the plan to do it. There are a number of ways that we have to get that done. We do not have to continue to recommit and to holdup the approval of this tax increment financing program for this project. That is not necessary. We have a number of things at our disposal that we have the capability of doing to be able to get our plans for neighborhood development implemented. I think all the members of Council are quite aware of the tools that Council has to get it done.

There are a number of issues that continue to come up, the ATM, the neighborhood development. If we do not arrive at a suitable answer to my colleague, Mr. Diven's, issue about ATM issues and we do not finalize the issue of the exact amount that will be committed for neighborhood development, how long are we willing to hold this project in abeyance?

I think we have to separate out the commitment to move on the Mellon Bank development and do what we need to do aside from this TIF in getting achievement of the things that we need to do for neighborhood development. I would speak against the recommitment and even against the compromise.

Mr. Onorato:

First, I ask the clerk to record a yes vote on the amendment. I think that was a significant point that was brought forward yesterday.

I sit here in fascination listening to this conversation because I sort of come at it at a different angle from both sides of the argument here. On one hand, let me make it clear, I don't care if Mellon Bank or PNC or any of the corporations sitting in the backroom here just as they have Boards of Directors, the nine of us sit here representing 350,000 people and allocating 315 million dollars of a budget. We have fiduciary allocations to debate this and to look into these numbers as much as we can. I really don't care who broke ground for what project.

There is a process in this city, and that is the Mayor negotiates, Council approves. The process is not completed. If you have a groundbreaking before we vote, you move at your own risk. That is no disparity in comments to Mellon. That is to go to Mellon, PNC and anyone else that receives a TIF. You have a time schedule, we have a time schedule when we have to do what we have to do until we are comfortable to make a final vote.

Now stating that though, I think Mellon's TIF and PNC's TIF should rise or fall on its own merit. I don't believe it

should be tied to what we are trying to do here and have a dollar figure made for one particular project. I will tell you why, because if Mellon and PNC TIF failed, I am still putting in NBDR money into the budget. I am still putting in the amendments we put in last year. I am still going to look forward to a capital budget that goes into the neighborhoods, because it is the right thing to do.

I am not putting money into the neighborhood only because Mellon might get a TIF. As far as I am concerned, that is an irrelevant issue. If we think that the neighborhoods need to be funded, which they do, we are going to do it regardless of the TIF vote today. I am going -- we started last year. Council reallocated two million dollars of the capital budget for neighborhood issues, now granted it was three issues of lot cleanup, demolition and rodent control but it went into the neighborhoods or was supposed to go into the neighborhoods to do cleanup work.

I am committed to Councilman Ferlo's resolution. I am committed to NBDR the one point six million dollars. It is going to be a matter of five Council members or six if you have to be veto proof to make sure that the capital budget reflects what we want in our neighborhood.

As to the compromise proposal in front of us, I don't see a big problem with looking for a final vote tomorrow if the majority of us want to recess the meeting. But I do want to point out I think that Mr. Diven's point about the ATM was a very significant point to bring forward. I know Mr. Diven is looking at a different angle, dealing with the depository resolution. I think that is the legitimate way to do it. To address all the banks and anyone else

that benefits by the money we deposit and we look at their record on CRA and we will look at their record of ATM fees.

I also think that the seven million dollar amendment that was brought forward today was very significant. Because granted that money can only be spent downtown but we did not give up our right to control the release of that money until certain things are done. We still have the leverage. Ultimately we have the final leverage in the vote of the capital budget, which I believe the five of us if we have the backbone to do it can make sure the money is allocated to the appropriate neighborhoods and to our districts so that the city's neighborhoods don't fall apart while the downtown shines. This has to be a win, win for both of us. We better be committed to doing both of them.

The bigger issue is after Mellon and PNC come forward with these TIF's, this Council has got to seriously sit down and find out what is the end game plan here for TIF's in general. Sooner or later we have to stop TIFing if we really believe in that philosophy that this was a jump-start to downtown. Are these the last two TIF's? I don't know. I have already been on record voting no against hotel TIF's and I am getting very leery about the expansion of the use of TIF's in certain areas of the city that are very viable.

But that is a discussion for a different day. I look forward though to the debate on the neighborhood money. I hope that this Council stands strong and I believe that it will to put the money into the NBDR plus other neighborhood issues, and I am still going to fight for the demolition of lot cleanup line items. I think they should be fully funded, equal to

last year, and then we will deal with the development issues too with this TIF and any other particular TIF that comes forward. But if we are willing to have a final vote tomorrow, maybe that is the compromise we should follow.

The Chair:

We will have one or two final words. I agree with most of what you said, Mr. Onorato. I just wanted to inform you the TIF legislation for consultant the draft for an RFP that we have been working on and you support, will be finished this week. I will give it to Council members Thursday or Friday for their input before we put it out for an RFP to see where we are heading -- what direction we are heading for this TIF situation as Mr. Onorato pointed out. Where are we going in the future? This is one issue but our future is a major asset that we have to consider.

Final word, Mr. Cohen.

Mr. Cohen:

I said from the beginning that I support this TIF. The reason I do is because of the enormous development that it will provide to Pittsburgh. I support not only the Mellon Bank project but also the Fifth Forbes Project because that particular project will bring \$120 million into the center city.

That having been said, I also support recommitment. The reason I do, I would like to respond just briefly to Councilman Onorato's point is that there has been so many times that this Council that we put money into the budget and that money is not spent. And we have no commitment from the administration to

spend that money.

I can go through chapter and verse of the project in my district that has been in the budget for year after year. Friendship playground has been in the budget year after year. The Mellon Park Wall and Fence has been in the budget year after year. I can go through many other projects but they're not done. In fact they haven't even been started and the reason is that we have to have a partnership. This Council can put it into the budget but if we don't have a Mayor who is willing to spend it, then it is not going to happen.

So I support a recommitment when the colleagues talked to me this morning. However, Councilman Hertzberg has put forward a compromise. I think it is a compromise that is a reasonable one and that is that we not hold this a week, but literally hold it for just one day. Recess this meeting and have an opportunity to try to have a dialogue with the Mayor which I would like to do personally.

So I will support Councilman Hertzberg's compromise which is to recess this meeting and give one day to be able to get an answer.

The Chair:

Roll call vote on the recommitment.

Mr. Onorato:

Point of procedure.

Mr. Cohen:

Just what I said. I thought the compromise was not to recommit it for a week, but to recess this meeting.

The Chair:

We will recess this meeting and not adjourn it today so we will finalize this tomorrow.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
	Mr. O'Connor
	(Pres't)

(Mr. Ricciardi and Mr. Udin voted no.)

Mr. Hertzberg:

Point of procedure for tomorrow's meeting. I would request that the Chairman put this on as the first item and then that we also immediately adjourn the Standing Committees Meeting and reconvene this meeting immediately after this piece of legislation.

Mr. Udin:

Agree.

Mr. Hertzberg:

Thank you.

The Chair:

Bills are now ready for final action.

Mr. Hertzberg:

I am sorry to interrupt. There are two bills. I just wanted to make some hopefully brief comments relative to the

Ok Grocery, Giant Eagle Broadhead Fording TIF Plan. Because for me it's kind of hopefully an end to a very long and difficult and somewhat disturbing story for this public Housing community which about five or six years ago appeared to have a very future.

There were 560 units in this public housing community, 64 of them were being rehabilitated. A lot of the work was being done by tenants who had been taken off of the public welfare roles and had found jobs. With the new administration and a new administration at the Housing Authority a decision was made without any input from myself and I believe with minimal input from the community that they were going to disinvest. That the Housing Authority was going to completely disinvest itself in the Western part of the City of Pittsburgh.

Notwithstanding the fact that there were approximately 30 million dollars of funds, federal funds available to renovate the entire community, and in fact the decision was made to demolish the entire community. I attended several meetings, City Council held a Public Hearing we were at least able to salvage the 64 units and also get a promise from the Urban Redevelopment Authority to use its best efforts to build another 64 units of variety of mixes of income in that place where the other buildings were that were demolished.

Then came the proposal from Ok Grocery to put in its facility, which was a great proposal. But unfortunately the community was in an uproar over what had just gone on. We had many, many meetings at a variety of different hours. I thank the Urban Redevelopment Authority and its staff. Some of them who stayed in the neighborhood till ten, 11 o'clock at

night on a number of occasions trying to work through some difficult issues including problems with traffic, including problems relocating a food bank.

Finally, we have reached a point today where we are on the final vote. I appreciate Council's support for this particular TIF. I think we all realize that it is good. It is going to increase employment, it is going to keep OK Grocery here and they are actually adding to what they have already. They had the opportunity to leave the city, actually to go to another state. We were able to keep them here and keep the jobs here. I think that works well.

But I just want to remind everyone that there is a much larger story here that more than just what appears to be a win, win went on here. There is a much larger story. I am not real happy about it, but I think we ended up in about the best way we can. There wasn't too much that I could do to control the Housing Authority once it made its decision.

The Chair:

Any further discussion? Bills are ready for final action. All in favor of the bills, vote aye when your names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin

Mr. O'Connor
(Pres't)

AYES **Nine** **NOES** **None**

Bills have received the legally required number of votes and have passed finally.

MS. MCDONALD PRESENTED:

Bill No. 914:

Report of the Committee on Parks, Recreation and Youth Policy for October 21, 1998, transmitting one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 857:

Resolution authorizing and directing the Mayor, City Solicitor and Director of Parks and Recreation to enter into a Lease and Agreement with the Boys and Girls Club of Western PA, in connection with the construction, maintenance and operation of a community recreation and park facility in Leslie Park, 9th Ward. (SPONSORED BY MR. FERLO).

Which was read.

The Chair:

You have heard the reading and title of the bills, any decisions every further discussion on the bills?

Mr. Ferlo:

Mr. President, I just want to thank my colleagues for their support in moving this proposal ahead. This resolution

allows the Mayor and the Law Department to finally consummate the formal lease arrangement and cooperation agreement with the Boys and Girls Club of Western Pennsylvania to build up to approximately two half to \$3 million youth multi purpose center in Lawrenceville in Leslie Park.

I want to assure residents, some of who still object to this proposal, even though we have had a series of neighborhood meetings, and actually took a year to look at alternative sites and what the possible relocation could be other than Leslie Park. But by great majority in the community, we did finally agree to Leslie Park location.

But I want to assure the residents that in terms of trees and benches and the esthetics of the park and maximizing that the greatest amount of green park space will remain that we will take great care in the design of this building. This is going to be a high quality designed building that the Lawrenceville and surrounding community can be very proud of.

I want to thank the Mayor for his commitment, the administration for their help in bringing this proposal along. Especially thanks to the Law Department, because I know after we approve this they are really going to move along now and get this final agreement done so we can maybe break ground before the winter chill.

But thank you very much and I especially want to thank the anonymous donor who walked in one day and reaffirmed one's faith in Divine intervention and presented the Boys and Girls Club with a \$2 million check. She wants to be anonymous, but we really thank her and God bless her.

The Chair:

We all are envious and congratulations to you and the neighborhood for all their input. I hope we all can get a \$2 million donation.

Bills are now ready for final action. All in favor of the passage of the bills vote aye when names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES Nine NOES None

Bills have received the legally required number of votes and have passed finally.

MOTIONS AND RESOLUTIONS

Moving to motions and resolutions. I would like to make a few comments. The Public Hearing that was scheduled today for warrant arrests has been canceled. We will try to do it in the next week to ten days to reschedule. We have details and guidelines that have not been completed yet.

We will have an Executive Session tomorrow morning concerning curb cuts at

9:15.

Also, we will have a Post Agenda on Wednesday October 28th at two o'clock at the request of Councilman Ferlo concerning the city school bus transportation.

As I mentioned before, I will have by the end of the week a draft for all of you to review and please have your input on the TIF's.

Again, I will give you a few seconds to think about it, but last night Mr. Ferlo in your district we had an outstanding or you had an outstanding parade, there is a lot happening in all of our communities this week. I know the Phipps is having a big event on Friday and Saturday. Hazelwood we have our first Halloween Parade on Saturday afternoon. Saint Resilience Church in my neighborhood has a haunted house this weekend. The Greenfield organization and community drug sponsors a pet parade, which raises money for helping animal shelters and for a dollar you can throw a pie in my face. Last year we raised hundred dollars. So I got a lot of pies. It was a dollar a pie.

But if there are any others, I don't want to speak for everyone, but Bloomfield I know has a -- if you want to comment on Bloomfield.

Mr. Cohen:

Thursday night, big parade.

Mr. Diven:

Carrick and Brookline I believe this Saturday.

Mr. Hertzberg:

Oakland and Sheridan are on Saturday. Elliott and West End was already held Sunday night.

Mr. Onorato:

Pumpkin Fest, East Allegheny, Brightwood, we have a Brighton Heights Halloween parade, there was a Halloween festival up in Spring Hill, I am sure there are other ones that I have listed in my office.

Mr. Ricciardi:

South Side Community Council and others have sponsored several parades including the Arlington Civic Council and there is also an event at the Harry Readshaw Gym up in Carrick I believe Thursday evening, but the Bible of the South Hills Neighborhood, South Pittsburgh Reporter has everything delineated in there.

The Chair:

A lot of exciting events going on.

Mr. Onorato:

I forgot. I was going to do this under unfinished business. I want to thank Deputy Mayor Sal Sirabella and give everybody an update on the resolution we passed about the Soldiers and Sailors.

The city's part of that was to update to two reports. Deputy Mayor Sirabella took it upon himself to make sure that it has in that resolution the city does their share. He has the Director of Engineering and Construction and the Director of Public Works reviewing the reports. He

collected the reports from the Soldiers and Sailors Hall, he met with the Executive Director, and we will update the numbers for 1999 dollars. I just wanted to thank him for following through on Council's resolution.

Mr. Ricciardi:

Yes, thank you, Mr. President. I will take less than one minute. Several days ago when we were discussing the Penguins I had stated for the record that I believe that Plan B was the fleecing of the Pittsburgh taxpayers. I just would like you to know that I stand by those comments. Several months ago I also stated for the record that I would not support any votes in this legislative body that supported the Plan B and that is anything dealing with acquisition of land or funding.

Just looking over what occurred yesterday at the Public Auditorium Authority with the memorandums of understanding. I just think it's an insult to the taxpayers here in the City of Pittsburgh. I believe that the initial plan of the so-called Plan A at least had some credence in economic development at regional support. But the voters have spoken, they have shut that down, they have also talked through pollings, both by local newspapers and television stations and they do not support this.

But now I can see why. What occurred yesterday at the Public Auditorium Authority, I am very pleased that our colleague, Mr. Cohen had abstained for additional information. But the taxpayers are paying the freight and the support franchises will be accepting the spoils.

Again, I stand by my comments, I

have informed the administration and others, I will not be voting in any type of legislative action that supports Plan B. Thank you.

The Chair:

One more note, next week our meeting will not be Tuesday because of Election Day. Our next Legislative Meeting will be November 2, Monday at 10:00.

Can I have approval of the minutes?

MR. COHEN moved to approve the minutes.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

MR. HERTZBERG moved to recess the meeting until tomorrow.

MR. RICCIARDI seconded the motion.

And on the motion made by Mr. Hertzberg, the meeting recessed.

ADDENDUM

The Chair:

I would like to reconvene the legislative meeting.

Will the clerk please read under Reports of Committee the bill?

REPORTS OF COMMITTEES

MR. RICCIARDI PRESENTED:

Bill No. 915:

Report of the Committee on Housing, Economic Development and Promotion for October 28, 1998, transmitting two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 717:

Resolution authorizing a Cooperation Agreement or with the Urban Redevelopment Authority of Pittsburgh, the County of Allegheny and the School District of Pittsburgh providing for the financing, monitoring, implementing and terminating of the center Triangle Tax Incremental Financing District as amended by Amend No. 1 (Council District 6). (PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG). (HEARING HELD OCTOBER 16, 1998)

Which was read.

Also,

Bill No. 720:

Resolution Adopting Amendment No. 1 to the Center Triangle Tax Incremental Financing Plan presented by the Urban Redevelopment Authority of Pittsburgh, and making certain findings (Council District No. 6). (PRESENTED BY MR. RICCIARDI AND MR. HERTZBERG). (HEARING HELD OCTOBER 16, 1998)

Which was read.

The Chair:

Any discussion on the bills?

Mr. Ferlo:

Yes I want to make sure the clerk, the bill was amended yesterday, that the bill is corrected pursuant to the amendment by Councilman Hertzberg. That is corrected?

The Chair:

That was amended and passed. Any other discussion?

The bills are now ready for final action. All in favor of the passage of the bills votes aye when names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES Nine NOES None

Bills have received the legally required number of votes and have passed finally.

The Chair:

Can I have a motion to adjourn?

MR. ONORATO moved to adjourn the meeting.

MR. FERLO seconded the motion.

And on the motion made by Mr.
Onorato, the meeting adjourned.

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED THIRTIETH COUNCIL

BOB O'CONNOR.....President
LINDA M. JOHNSON-WASLER....City Clerk
JOHN R. MASCIO.....Deputy City Clerk

Pittsburgh, PA
Monday, November 2, 1998

PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Diven	Mr. Ricciardi
Mr. Ferlo	Mr. Udin
Mr. Hertzberg	Mr. O'Connor
Ms. McDonald	(Pres't)

The Chair:

Will you please stand for the pledge of allegiance and please remain standing for a moment of silent prayer for peace and hope throughout the world.

We have two honored guests Aleshia King. She is seven years old in the third grade at Chartiers Elementary and Ilona King, her cousin, age nine. She is in the fourth grade at Chartiers Elementary School. They reside in Councilman Alan

Hertzberg's District 2. They are accompanied by their teacher, Donna Harrison.

Aleshia and Ilona King:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all.

The Chair:

Thank you, ladies. We have a special gift for you from Councilman Hertzberg, myself, and all Council members, a flag of our city and our country.

We have a very special guest the Mayor of Rome, New York and he will be introduced by Councilman Ferlo.

PRESENTATIONS

Mr. Ferlo:

Good morning, colleagues. I would like to at this time ask for Mayor Joseph A. Griffo to come forward and my good friend Paul Ziminski from Rome, New York.

Our Mayor has had the good pleasure of meeting a few of my colleagues as well Councilwoman McDonald. Saturday night we had a great performance at the AfroCuban dance troop

at the Byham. I would like to present this official proclamation to Mayor Griffo.

MR. FERLO PRESENTS:

No. 916 The Council of the City of Pittsburgh hereby extends its salutation, warm greeting and official welcome to Mayor Joseph A. Griffo of Rome, New York on the occasion of his visit to our great city.

Mayor Griffo, now in his second term, proudly represents the residents of Rome, New York, a city of over 43,000 residents whose history emanates from the Revolutionary War and now is home to great neighborhoods and historic structures, ethnic and cultural pride, business and industry, and warm and friendly people.

The Council of the City of Pittsburgh extends the title of "HONORARY CITIZEN" to Mayor Joseph A. Griffo and hereby declares Monday, November 2, 1998 as "MAYOR JOSEPH A. GRIFFO DAY" in the City of Pittsburgh.

MS. MCDONALD moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Ferlo:

I want to officially give this to the Mayor and we will also give him the official city flag. We are going to ask Paul maybe to hold onto that.

As you know I was born and raised in Rome, New York, and that's where God decided I was going to be born. But blessed through the last 32 years I have proudly lived in the City of Pittsburgh. But I am so proud of this city, I think it is important that we continue to reach out and create alliances. One of the best alliances we have are the friends and the folks and those in the City of Pittsburgh meeting up with those from Rome, New York. We are very honored that Mayor Griffo is here this weekend.

Unfortunately, I wish we could say that we did a better job yesterday at the Steeler Game, he jokingly asked me are we sure we still want to build a new stadium after that game?

But we have had the pleasure of the Mayor's company for the last couple of days. We have taken him around and hopefully we have done a good job being a good willed ambassador. We just want to thank the Mayor, this gentleman is in his second term and even though he's not the correct political party, he's well liked by liberals and democrats alike in upstate New York. He is a mover and a shaker in New York State politics. Being fairly close with the Governor, as well as a lot of national leaders, he has probably been to the democratic White House and has relationship with Secretary (inaudible) and lots of other folks even though he happens to be a republican Mayor.

He works hard for the city of Rome, New York. It is a city not unlike Pittsburgh that has struggled with economic decline, collapse of a major Air Force Base there. But the Mayor and his staff, the city work force have been doing a great job in turning the city around, and

bringing new income and jobs to that important neighborhood. As the Mayor knows, it is actually a city bigger than Pittsburgh, ours is 55 square miles, and I think the Mayor told me this morning his city actually is over 70 square miles even though they have 43,000 people. So it is a great honor and privilege to have the Mayor here today. We welcome him and we would like him to say a few words.

Mayor Griffo:

Mr. President and members of the Council, Councilman Ferlo, thank you very much. It is always great for a Mayor to be so warmly received in Council Chambers. Jim did offer me Three Rivers Stadium when you do build the next two stadiums. So I appreciate that too. Thank you.

You have an extraordinary city. I have had an opportunity to visit the city a couple of times in the past but for a very short stay. This was an opportunity to really see Pittsburgh first-hand.

You have a great ambassador here in Councilman Ferlo. We are proud that he was born and raised in Rome, and I think you can take some pride that he chose Pittsburgh to be his home. He has a true love for this community and he has been outstanding in trying to show us all of Pittsburgh. I'll tell you in two days, we got to see a lot.

We got to explore the quality of life in the evening here in Pittsburgh and that was outstanding. You have a great community. I think there is so much potential here and you have so much to be proud of. It is an honor for me to have a day in my honor here in Pittsburgh. That

means I can do whatever I want today in Pittsburgh. I am leaving in two hours that's why he gave it to me.

Again, you have an extraordinary city and I am happy that I have had an opportunity. I will come back.

Mr. Ferlo:

He's my brother's boss.

Mayor Griffo:

He is a great firefighter. But you are doing so many great things here and you can be proud of what you're doing. Pittsburgh is extraordinary. So thank you very much for having me.

Mr. Onorato:

Is it true that one of every five voters is a Ferlo in Rome, New York?

Mayor Griffo:

You would think so. I think some of them vote down here too, I heard.

Again, thank you very much for your hospitality, Councilman Ferlo. Thank you for being such a gracious host. You did such a great job and friend. I appreciate this honor. Thank you.

The Chair:

I believe the rest are to be read into the record.

MR. RICCIARDI PRESENTS:

No. 917 Whereas, AmeriCorps, the domestic Peace Corps, gives citizens the

opportunity to engage in full-time service to their community; and,

Whereas, working through a grassroots network of more than 1,000 national and local nonprofit and faith-based organizations, AmeriCorps members tutor and mentor at-risk children, make schools and neighborhoods safer, clean rivers and restore parks, provide health care in underserved rural and Native American communities, build and rehabilitate homes, and other activities that make our communities stronger; and,

Whereas, since AmeriCorps inception in September, 1993, more than 100,000 men and women have served in more than 4000 communities and have taught, tutored or mentored more than 2 million young people, organized after school programs for more than 500,000 children, established 4,000 safety patrols, built or rehabilitated more than 25,000 homes, planted more than 52 million trees, and recruited, trained or supervised nearly 2 million volunteers; and,

Whereas, 15 programs from all across Western Pennsylvania represent 400 members who have committed a total of 600,000 hours this year to address the national priorities of education, public safety, the environment and unmet health and human service needs. In exchange for a year of service members receive an education award, valuable training and experience, and the satisfaction of giving back to their communities and country; and,

Whereas, the National Americorps Launch Day will be celebrated on October 23, 1998 and the Pennsylvania celebrations will take place in Philadelphia, Harrisburg,

and Pittsburgh. The Pittsburgh celebration of another year of service will take place at Warrington Recreation Center, 329 Warrington Avenue, from 1:00 to 4:00 PM; and

Now, therefore, be it resolved that the Council of the City of Pittsburgh congratulates AmeriCorps on 5 years of service to the people of the United States and declares Friday, October 23, Americorps Day in the City of Pittsburgh.

MR. COHEN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

We will now move to presentation of papers.

MR. FERLO PRESENTED:

No. 918 Resolution authorizing and directing the Mayor and the Director of Personnel to implement a 2.5 percent cost of living adjustment for all non-union and non-bargaining unit employees of the City of Pittsburgh retroactive to June 1, 1998. **(SPONOSRED BY MR FERLO).**

Which was read and referred to the Committee on Finance and Budget.

Mr. Ferlo:

I also have another bill. And once you read that, and I will read this one.

Also,

No. 919 Resolution designating an unimproved non-thoroughfare portion of Point State Park as a "Peace Garden" and authorizing and directing the Mayor of City of Pittsburgh and Director of Parks and Recreation to sign a cooperation agreement with a consortium of local groups including the Friends and the Riverfront, Peace Links, Physicians for Social Responsibility and the World Federalists Association to establish a Peace Garden to serve as a place for both quiet reflection and for commemorations and celebrations under the theme of "Cultivate Peace and Harmony With All" as expressed by President George Washington in his farewell address of September 17, 1796. **(SPONSORED BY MR. FERLO).**

Which was read and referred to the Committee on Parks and Recreation.

Mr. Ferlo:

Additionally from the Engineering and Construction department at the request of the administration I have a resolution encumbering \$250,000 for a West End Elliott Overlook improvement. This is something Councilman Hertzberg has been working on long and hard. I would ask that it also be added in and the proper legislation be available for Wednesday. I would like to ask that we waive rule eight on the encumbrance resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. HERTZBERG PRESENTED:

No. 920 An Ordinance amending the Pittsburgh Code by amending Title Four: Public Places and Property, Article I: Streets and Sidewalks, Chapter 419: Regulated Activities, Section 419.05 entitled "Telephone booths, transit shelters and news racks" and by adding Chapter 423, Regulation of News Racks and New Vending Machines Within Public Ways. **(SPONSORED BY MR. HERTZBERG).**

No. 921 Resolution adopting Official Sewage Facilities Plan for Nine Mile Run Phase I Development Housing.

No. 922 Resolution granting unto 1902 Landmark Tavern, 24 Market Place, Pennsylvania 15222, the privilege and license to construct, maintain and use at their own cost and expense, a sidewalk café on a portion of the right-of-way of the sidewalk area on Market Place 1st Ward, 6th Council District of the City of Pittsburgh.

No. 923 Resolution granting unto Talkol, Inc. dba Bloomfield Drug Store, 4727 Liberty Avenue, Pennsylvania 15224, their successors and assigns, the privilege and license to construct, maintain and use at their cost and expense, a handicap ramp at 4727 Liberty Avenue in the 8th Ward, 7th Council District of the City of Pittsburgh.

No. 924 Resolution granting unto North Shore Management, Inc., dba Firewaters, 120 Federal Street, Pennsylvania 15212, the privilege and license to construct, maintain and use at their own cost and expense a sidewalk cafés on Federal and E. General Robinson Streets in the 22nd Ward, 1st Council District of the City of Pittsburgh.

Which were read and referred to the Committee on Public Works, Water and Environmental Services.

MR. RICCIARDI PRESENTED:

No. 925 Resolution approving the amended Redevelopment Proposal dated October, 1998 including Modification No. 7 to the Redevelopment Area Plan, for redevelopment activities in a portion of Resolution Area No. 12; Allegheny Center, in the 22nd Ward of the City of Pittsburgh (Council District No. 6).

No. 926 Resolution approving execution of a Contract for Disposition of Land by & Between the URA and Farmer's Market Housing Partnership LP or an entity to be formed for the sale of Parcel 1B in the 22nd Ward of the City of Pittsburgh in Redevelopment Area No. 12, Council District No. 6 West Commons (Residential Construction).

MR. UDIN moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced, so the bills will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Also,

No. 927 Resolution authorizing the URA of Pittsburgh to submit an application to the Commonwealth of Pennsylvania for a grant in the amount of \$1,300,000 for the YWCA of Greater Pittsburgh Project.

No. 928 Resolution authorizing a Cooperation Agreement with the URA of Pittsburgh providing for the designation of \$1,300,000 in private funds for the YWCA of Greater Pittsburgh Project as the local share for a grant applied for in an application for funds filed with the Commonwealth of Pennsylvania. (Council District No. 6).

No. 929 Resolution authorizing the URA of Pittsburgh to purchase property in the 11th Ward designated as Block and Lot 83-R-305, 83-R-304 and 83-L-168 from Armil L. Crichlow and Allen R. Hodges for \$260,000 plus costs under the Industrial Land Reserve Fund. (Council District No. 9).

No. 930 Resolution authorizing the URA of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the following publicly-owned property in the 3rd Ward of the City of Pittsburgh designated as Block 11-E, Lot 280 (233 Dinwiddie Street) Pittsburgh Housing Construction Fund. (Council District No. 6).

No. 931 Resolution approving execution of a Contract for Disposition by sale of land by and between the URA of Pittsburgh and the Hill Community Development Corporation for the sale of Block 11-E, Lot 280 in the 3rd Ward of the City of Pittsburgh for \$1,500.00 per dwelling unit to constructed -- Pittsburgh Housing Construction Fund. Council District No. 6 (site assemblage -- residential construction).

No. 932 Resolution approving execution of a Contract for Disposition by sale of land by and between the URA and Manchester Housing Partnership L.P. IV

for the sale of Block 22-L Lot 133 in the 21st Ward of the City of Pittsburgh for \$915.00--Redevelopment Area No. 27, Council District No. 6 (Parking).

Which were read and referred to the Committee on Housing, Economic Development and Promotion.

MR. UDIN PRESENTED:

No. 933 Resolution transferring the amount of \$1,619,470.00 from various citywide to the Transfer Suspense Account, Fund 1000, Organization 999800, Sub Class 150, Budget Year 1998, Account 525500 in order to make future transfers to various accounts where shortfalls exist.

No. 934 Resolution transferring the amount of \$1,946,363.00 from the Transfer Suspense Account, Fund 1000, Organization 999800, Sub Class 150, Budget Year 1998, Account 525500 to various accounts where shortfalls exist.

Which were read and referred to the Committee on Finance and Budget.

No. 935 Resolution providing for an agreement or agreements, or use existing agreements and/or a contract or contracts, or use existing contracts for design and construction of improvements to various Overlooks including, but not limited the West End Overlook; at a cost not to exceed \$225,000.00.

Which was read and referred to the Committee on Engineering and Construction.

MR. HERTZBERG moved to suspend Rule 8 by providing for consideration of

the bill only until or after the 8th calendar day following the meeting in which the bill was introduced, so the bill will be on the agenda this Wednesday and withdraw the other one. That should have been in Engineering.

MR. FERLO seconded the motion.

Also,

No. 936 Communication from Barbara M. Parees, Director, Dept. Personnel & Civil Service Commission, requesting permission for Deborah Ference, Pgh. Private Industry Council member, to attend the Leading the New Workforce Development System Seminar, to be held November 18-19, 1998 in Chicago, Illinois. Ms. Ference is not a city employee. Cost not to exceed \$1,597.00 payable from the JTPA-1 Trust Fund.

Which was read and referred to the Committee on Finance and Budget.

The Chair:

For the record, we want to motion Rule 8 on Bill 935.

MR. UDIN seconded the motion.

Which motion prevailed.

Mr. Ferlo:

Can we please ask that Director Reginella be here for that discussion regarding the West End Overlook?

The Chair:

Any unfinished business to come in front of Council?

UNFINISHED BUSINESS

Mr. Cohen:

My understanding is that there is a vacancy on the Civilian Review Board and that the 60-day limit for the Mayor to fill that position is approaching.

I maybe wrong on this but I just want to find out whether or not there is in fact a vacancy? I believe it is Leslie Lewis. Can somebody comment on that or send a letter with respect to that?

Mr. Udin:

Yes, I believe that by the end of this week the time for the Mayor's appointment will have expired. I have every reason to expect that the Mayor will make an appointment and Council will not have to do so. But you're absolutely correct, there's a vacancy and it should be filled by the end of this week.

Mr. Cohen:

Thank you.

The Chair:

Can we confirm that?

We will confirm the appointment.

Mr. Udin:

I will confirm.

Mr. Ferlo:

As a point of procedure, I would ask the City Clerk to communicate to all board members of authorities, including

any commission. We confirm many of these individuals; they at least have the courtesy to notify Council as well as the Mayor on any vacancies and/or resignations as a courtesy.

The Chair:

Clerk, please send a letter on that request.

We will now move to reports of committee.

REPORTS OF COMMITTEES

MR. UDIN PRESENTED:

Bill No. 937:

Report of the Committee on Finance and Budget for October 28, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 865:

Resolution providing for the filing of an application by the City of Pittsburgh with the United States of America, Department of Housing and Urban Development, for a grant or grants in connection with Referral of Housing Discrimination Charges (and related activities), HUD/FHP Project; providing for the execution of a Grant Contract and for the filing of the requisitions and other data; approving the HUD/FHP Project; providing for required assurances; providing for execution of payment vouchers on Letter of Credit and for certification of authorized signatures;

maintaining a Special Trust Fund in connection with the Project; and providing for the deposit of funds in a bank account.

Which was read.

Also,

Bill No. 878:

Resolution transferring the amount of \$4,000.00 from Sub Class 010, Salaries, City Council to Sub Class 150, Miscellaneous Services, City Council, Budget Year 1998. (SPONSORED BY MR. HERTZBERG).

Which was read.

Also,

Bill No. 879:

Resolution authorizing the issuance of a warrant in favor of the Richard S. Caliguiri Amyloidosis Foundation in the amount of \$9,567.00 in connection with the 1998 Great Race in the Department of Parks and Recreation, chargeable to and payable from Account 525500, Fund 7314, Organization 523000, Subclass 600, Year 1998. (PRESENTED BY MS. MCDONALD).

Which was read.

Also,

Bill No. 883:

Resolution providing for the issuance of a \$2,137.91 warrant in favor of John T. Bronson, 222 Kearsarge Street, Pittsburgh, PA 15211, in settlement of claim for vehicle damage due to a City

Public Works truck on July 17, 1998, and the issuance of a \$937.75 warrant in favor of the Treasurer, City of Pittsburgh in satisfaction of delinquent Real Estate taxes for \$816.12 and \$121.63 for delinquent Sewage owed by Mr. Bronson.

Which was read.

Also,

Bill No. 884:

Resolution transferring \$2,000.00 from Rent-Copiers Account 560200, Sub/Class 140 to Miscellaneous Services Account 525500, Sub/Class 150 in order to restore funding to the Miscellaneous Services Account.

Which was read.

Also,

Bill No. 902:

Resolution authorizing and directing the Mayor to enter into an Agreement or Agreements with qualified telecommunications consultants for professional services, expert advice, and other related services in connection with the development of a comprehensive telecommunications policy for the City of Pittsburgh, in a total aggregate amount not to exceed \$100,000.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Udin:

I just want to speak briefly on Bill 902. The bill to hire a telecommunications consultant. I want to thank colleagues for their support and their close attention to this issue as one of the most important issues that will be facing the city in the next few years. That has to do with developing a policy that will govern how we franchise and approve and permit telecommunications rights of way whether they be on telephone poles or buildings or underground digging to run fiber-optic wires.

There are many, many companies that are lining up. There are many mergers, mega mergers that are taking place between cable companies and long distance companies. They have gigantic plans for developing the communications infrastructure and industry in all the major cities and certainly in the City of Pittsburgh. I would hope that this consultant would help the city to develop a telecommunications application process that would bring all the applicants through one door.

Right now, someone wanting to set up some kind of telecommunications antenna or system might have to go to any one of five locations in the city. So we must update and centralize our system and find a way for the city to be able to benefit from the telecommunications industry and especially to pay for whatever expense the city incurs in allowing people to dig in the streets and underground. Hopefully we would be able to get some revenue to help with the telecommunications infrastructure in our public schools, in our communities so that the whole city is wired and online for the new millenium.

So it is a very important step forward. I want to thank all the members of the administration and the telecommunication task force that has been meeting over the last year to get to this point. I would urge all Council members to stay closely tuned to the development of this important work. Thank you.

Mr. Cohen:

Thank you, Mr. President. I just would like to piggyback on what Councilman Udin just said about this bill. Many years ago probably in these chambers the elders of Pittsburgh decided where to construct roads and bridges because that's where the exchange of commerce and information occurred. Now we have a new frontier for exchange of commerce and information and that is telecommunications through wires.

It's absolutely essential that the city of Pittsburgh have a state of the art network for that type of exchange information just like we did for roads and bridges. This will help us get to that point, it is a very important bill and I also appreciate Council's support.

The Chair:

When is the date of the franchise agreement? Is it the end of next year?

Mr. Cohen:

It is October 31, 1999, almost exactly a year from now.

The Chair:

One year to solve the problem.

Mr. Cohen:

That is right. This is not specifically for franchise renewal, but I think this will help us to get to that point.

The Chair:

Thank you. Any further discussion?

Bills are now ready for final action. All in favor of the passage of the bills vote aye when names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Udin	Mr. O'Connor

(Pres't)

AYES Eight NOES None

Bills have received the legally required number of votes, and are passed finally.

MR. HERTZBERG PRESENTED:

Bill No. 938:

Report of the Committee on Public Works, Water and Environmental Service for October 28, 1998, transmitting two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 898:

Resolution further amending Resolution No. 1018, effective January 1, 1997, as amended, entitled "Adopting and approving the 1997 Community Development Block Grant Program; and approving the 1997 through 2002 Capital Improvement Program, Transferring \$35,000 from Brick/Blackstone to a new line item "Graffiti Removal Program".

Which was read.

Also,

Bill No. 899:

Resolution further amending resolution No. 976/1996, as amended, entitled "Adopting and approving the 1996 Community Development Block Grant Program; and approving the 1996 through 2002 Capital Improvement Program, "transferring \$45,000.00 from Pavement Management to a new line item "Graffiti removal Program."

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Ferlo:

Yes, I would like to ask that the communication be to the administration regarding this bill. Obviously I am all for it, but I am continually perplexed about

why the Public Works staff that works on the graffiti program continually is employed then put unemployed, then employed, then put back as unemployed workers? We have a great work crew that has lot of skill peculiar to the removal of graffiti and other defacing of public and private property. Given the effort that we have expressed this Council including Councilman Onorato's bill I think a year ago, I don't understand why we can't just fund these permanent staff people instead of this on again off again payroll procedure.

I believe they have already gotten their notification that effective December 1 they are not going to be working any more. Yet I see this bill here today appropriating more money. I don't think there is any discussion at the table Wednesday but I just hope when voting for this that we can make it clear the administration's commitment.

I also think we are owed some kind of an update. The bill that we approved which changes and applies that the city will make an effort to assist the private property owner with the removal of graffiti. If we can at some point go into the budget and get an update from Public Works on what that process and practice has actually been, I would appreciate it.

The Chair:

Graffiti doesn't take a break in the winter either.

Mr. Ferlo:

I wish it did.

The Chair:

Bills are now ready for final action. All in favor of the passage of the bills vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Udin	Mr. O'Connor
	(Pres't)

AYES Eight NOES None

Bills have received the legally required number of votes and have passed finally.

Mr. Udin:

Mr. President, this doesn't have to do anything in particular with the bills that are in Public Works, but it has to do with the Public Works Committee. I just wanted to pass along a suggestion to the Chairman of the Public Works Committee that we might start early this year in evaluating the extent to which the reorganization of Public Works that occurred last year is working or not working.

I don't want to wait until we get all the way up into the budget, because we don't have really enough time if we need to make some changes. I know that there are many residents in downtown and North Side who have been complaining about the decreased level of service that they

perceive especially in the areas of just general cleaning parks and streets and most of them attribute it to the reorganization.

I would hope that we can get an objective evaluation of to what extent that reorganization is working and start on it as early as possible.

Mr. Hertzberg:

I gave a report last meeting and I think one of the problems they're having with an objective evaluation of that program has been the bad weather this summer with the tornado and then the storm later on.

So much of the Public Works manpower was focused on those things that they were trying to compare this year with previous years and to see what efficiencies were achieved. They really couldn't do a good job of that because the manpower is all shifted into addressing those emergency problems.

But if you want to have a Post Agenda or any other kind of discussion on the new plan, the five-division plan we will be happy to hold it.

Mr. Ferlo:

Yes sort of as a follow up. I did mention this to several colleagues in the past, but we continually debate at yearend with the role and function, if any, would be for the Pennsylvania Economy League. In the past they have been retained to do certain things most notably the revenue forecasting. As well, I believe the administration at times has said they were going to do some other things.

It is not clear to me that that ever happened like the one stop shopping at BBI and all that. But I had been lobbying the administration and I asked that the representative that I had met with the Formal Budget Director Mr. Turner from the city is now with the Economy League. I asked him to please meet with colleagues and especially with Councilman Udin and Mr. Hertzberg. But I have been trying to see if we couldn't look at maybe having the Economy League next year do some kind of benchmark review and study of some of the core functions of Public Works. That kind of is the base core constituent complaints that we get either to Council members or to the Mayor's Complaint Center. Not that it is a performance audit and not that it is in any way being critical to the department, it is just a proactive way of reviewing their functions and understanding what the best practices are in other urban areas. And maybe reevaluating what some of the core functions are and how we can maybe enhance and perform some of those functions better in the future.

So I would hope that between now and the budget proceeding as part of what Councilman Udin just outlined that the Economy League could be given an opportunity to explain this proposal. I think we would all benefit greatly from it.

The Chair:

I believe it requires an answer too. I have heard in a lot of the budget debates and even a TIF debate is the frustrations we all have in services to our community. I don't know if this is a part of it or not but we seem to be talking like the Street Face Programs. We're all concerned about them, but certainly the quality of service is

not now what it was three or four years ago. It maybe manpower, it maybe this division change. So it is something we all ought to investigate and the budget time is certainly the time to do it.

Mr. Udin:

I will communicate with the Pennsylvania Economy League relative to that proposal.

MR. FERLO PRESENTED:

Bill No. 939:

Report of the Committee on Engineering and Construction for October 28, 1998, transmitting sundry of resolutions.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 858:

Resolution providing for an Agreement or Agreements, or use of existing Agreements for the design of soccer fields and trails as part of the Junction Hollow development; and providing for the payment of the cost thereof, cost not to exceed \$40,000.00.

Which was read.

Also,

Bill No. 859:

Resolution further amending Resolution No. 838, effective January 1, 1998 entitled "Adopting and approving the 1998 Capital Budget and the 1998 Community Development Block Grant

Program; and approving the 1998 through 2003 Capital Improvement Program," by transferring \$40,000.00 from Fuel Facility Rehabilitation (Department of General Services) to Park Reconstruction (Department of Engineering and Construction).

Which was read.

Also,

Bill No. 896:

Resolution for the acquisition of Lot and Block No. 61-S-292 located at Whited and Jacob Street from the Housing Authority of the City of Pittsburgh; at a host not to exceed \$20,000.00.

Which was read.

Also,

Bill No. 897:

Resolution amending Resolution No. 976, effective January 1, 1996 as amended, entitled "Adopting and approving the 1996 through 2001 Capital Improvement Program," by transferring \$20,000.00 from various line items to Property Acquisition-Engineering.

Which was read.

The Chair:

You have heard the reading and title of the bills, is there any discussion on the bills?

Mr. Ferlo:

Yes, Mr. President. I received a

letter and I think you were mentioned in the letter also from a gentleman in Squirrel Hill who unfortunately just did not have his facts together as it relates to this whole of the soccer fields and the bill that is before us today.

I just want to re-clarify when the bill came over here. I think it was a week ago not this past Wednesday. At least to my knowledge, I don't know any colleague that actually had any formal information from the City Planning Department about this proposal in Panther Hollow. I don't even think Councilman Onorato who has been in the leadership of a coalition of groups working on soccer field development and looking at sites and developing a whole protocol was even aware of it. We held it for one week basically to receive some formal information about what the proposal was, to look at and review the plans. To understand both the commitment of these dollars and what we were getting from the Keystone State Grant.

So I just want to clarify that gentleman and any other folks out there, there were still some serious issues involving this soccer field. I want to reiterate one very quickly that I think some people are confused about. We had to buy back the large acreage of Panther Hollow known in this reference of the resolution as Junction Hollow. We have close to \$3 million invested of city taxpayers dollars as a result of a lawsuit to buy back that property.

We have an outstanding civil rights action that could possibly cost the city over \$5 million. So we are talking about a very expensive piece of property that I think it's perfectly appropriate to make a

basic inquiry. That is for that many million dollars is the highest and best use of one recreational activity. Or should the land be looked at in terms of a higher and better use to generate some taxes and income for the city?

There are many in the soccer community especially in the Dynamo Soccer Group that I think are under the false impression that this is a permanent soccer field even though we're spending about a half million dollars to do this. The Planning Director and the administration review this as an interim soccer field. To me, I just think that doesn't make any sense either. Because once you have the soccer fields built down there and hopefully with the energy and enthusiasm of the Dynamo League and others around the city that would utilize this field, they may want to generate some income to build bathrooms and concession stands, you name it. It doesn't make any sense three or four years from now to rip it all up and tell the soccer cadre sorry we are going to do something with it.

I am not going to do that three or four years from now. So I would ask that in addition to this authorizing resolution today that we give serious consideration to annexing that portion of parkland that we want to dedicate in Panther Hollow and make it legally part of Schenley Park. If we are going to spend all of this money on soccer fields and the like, let's do it in the right way. We are already going to invest a half million dollars in this.

The soccer community and other sport enthusiasts have said that they have the ability to raise some income and generate some enthusiasm for other park like amenities that could complement

these soccer fields. So really those were the heart of some of the debate and the discussions that we did not have the first time. We got into a little bit on the second go around although the Planning Director wasn't here. Unfortunately, since we don't have a Park's Director we have no one that actually thinks about the parks, that is relegated to the Planning Director. Why that is I don't understand, we spent 90 thousand dollars for a director that doesn't have anything to do with our darn city parks, but that's another issue.

So I want to ensure that gentleman from Squirrel Hill who wrote me a letter that he should at least first get his facts straight before he writes a letter to the editor suggesting that I have to command an explanation which I am actually doing to him. So I hope he feels more satisfied, but this is still an unresolved issue.

Again, I am not voting a few years from now if I am still here to rip off the soccer fields that we overspent all of this time, money and energy. I would ask that we work with the administration, look at just making it part of the park and actually working with this coalition of these enthusiasts soccer and other sports leagues and see maybe we can even embellish the area further with appropriate concessions and bathrooms. We are going to have thousands of people there that aren't going to be able to avail themselves of even a public restroom.

So I would ask that we really approve this today obviously but think longer range about what this would be, look like a year from now.

As well, I arrived at a meeting in Highland Park the other night only to

realize that the Planning staff already introduced and submitted a proposal to the Keystone Grant for 1999 already deciding something about Hess Run Ravine in my area. I have only recently introduced an ordinance to acquire that land to make it a park.

We have yet to sit down with the perimeter and property owners around the perimeter of the park I asked for a whole lengthy planning process. It is a great opportunity to take that area that is now in Public Works, a dumping area, make it a park but do some sit down planning with the community. Apparently the deadline was this past Friday for the grant even though they needed a Council resolution. I realize this staff works very hard at planning but it is typical. We are not informed but yet we are the legislative body that must by resolution approve these grant requests, approve to be the recipient of these state funds whether it is the Department of Community Affairs or the Keystone Grant.

It totally nullifies our ability to democratically discuss and prioritize where we want these Keystone dollars to go. I think we have long said even with the RAD funding we want some equity of capital expenditures for the four regional parks. Maybe other colleagues aren't as upset as I am, but it is just very upsetting. Because we are much more attuned at our neighborhood level of what our needs are then any administrative staff person. These are policy issues that legislatively should be decided by elected Council members, not staff people in departments. I am very resentful of it, it not only denies my ability to have some input, but it denies the ability of the residents and property owners and concerned citizens

that I represent. It denies their ability to have input in these major-planning decisions. I am frankly getting sick and tired of it.

So obviously we have to move ahead. But again, if we do this in a half-baked way, I don't know why we are throwing away a half million dollars away and say it is going to be an interim thing for three or four years. That makes no sense to me why we can't sit down and plan something and right and proper and correctly in this city.

The Chair:

I believe the letter you are talking about our office went detail for detail and explained it to the gentleman too. I believe he withdrew his opposition for concerns. One of the problems was I think by holding it a week, there was a small article in the paper, very small, saying it was held. It really set an alarm out to some of the passionate soccer leaders although a few, and I wish they would have called one of us or any of us.

Mr. Ferlo:

The thing that upsets me, Mr. President, is when you look historically and I have been here through three Mayor's if it wasn't for this Council there would not be the playground reconstruction activity going around the city. If it wasn't for this Council there would not be the redirection of RAD funds into the four regional parks. It sounds like we are just like not involved or obstructionist. Nothing can be further from the truth.

Councilman Onorato himself

recently proposed a coalition group to look proactively at the issue not only of soccer fields but other field needs that we have. I respect the fact that soccer is a growing sport and we need to provide opportunities for soccer. But I arrived at a planning meeting where planning staff had Hess Run already divided up for soccer fields.

If my residents at Highland Park and Morningside see that, they're going to be very upset. Because we have yet to sit down and talk about it. I have just as many needs in football and little league as I do for soccer. We need to do this in an equitable way because we have an over use of our fields. There is a need out there especially for soccer but also other sports. We need to sit down and plan proactively and that's actually something that we will be requesting for the Keystone Grant money to do an assessment of all the fields and figure out what our demands and commands are. But we need to be involved in this.

People are not going to just come in and dig up fields in my Council District, I can tell you that right now. So we need to be involved, we need to sit down. We are going to have to make it equitable, and we have to recognize what the needs are out there.

Mr. Cohen:

I agree with Councilman Ferlo on a number of issues, actually even including the soccer fields. Although I have spoken very much in favor of creating these soccer fields they're because of the great demand for soccer. I don't think there has been or at least I haven't seen some of the long term planning as to what is highest and best use for the land. I think we can all

agree that it probably is not soccer fields for that property. More over, when a higher and better use does come in, how are we going to pull out soccer fields and alienate a constituency that is a very strong constituency? I don't think there has been much thinking about that, at least I haven't heard it.

With respect to the Keystone Grant I agree also that first of all my major beef with the Keystone Grant is I don't think Pittsburgh is getting its fair share. That is a state grant. If you recall there was a statewide referendum on that issue several years ago to create a large pot of money to maintain and preserve and improve our parks. I believe that that money is going to other parts of the state in far greater proportion than is coming to Pittsburgh. But in terms of what needs to be done for the little money that we do get, there is virtually no participation by this Council.

If there are other Council members who have, I would like to hear about it. But I find things that are done with our parks without our knowledge. I will give you another example. On Washington Boulevard they just built a circular bicycle ring. Apparently Park's thinks that there is some constituency for that, some demand for that. In all my years in Council, I have never heard one person come up to me and say we need a circular bicycle ring. All of a sudden we have spent thousands and thousands of dollars to create one on Washington Boulevard. Not to mention right next to the Housing Authority Police Department, which shouldn't be there because that is parkland.

But what it comes down to is that we need to have an involvement. We need to participate in the whole process for

funding of our parks. I will bet you dollars to donuts that there is no money in that Keystone application for Mellon Park. When in fact we have said that it is a priority of this city to redo a lot of the ornamental work in Mellon Park and the sculptures some of which were destroyed by vandals several months ago. So, we have got to have more involvement than that and we don't.

The Chair:

I am waiting for Mr. Onorato. If you don't have any words, I think you have really done your part in bringing the soccer organizations together. I am disappointed that they weren't part of this. Junction Hollow in my neighborhood no one knew even -- I didn't even know where Junction Hollow was. I always called it Panther Hollow. As I said I will hold the last word for you.

Again I think everything Mr. Ferlo said I agree with. By holding it one week I think the soccer people who were gracious enough to come in had no clue that this was only a temporary use. So they're reevaluating the whole thing. I will support the \$40,000 initiative to at least lay out the plans and keep the process moving. I think it does give us time to organization ourselves and to look at the big picture.

Mr. Onorato:

Just so it is clear to everyone, the soccer committee that Council put together through legislation is really an indigency in just getting up and started. I think there has been a total of three meetings. This particular location is not part of this committee. This was something that was

in the works long before our committee was ever established.

Mr. Ferlo:

You agree if any of our residents should have been informed in addition to Council about the fact that this was going on, it would have been this hard working group that Council put together. I attended the first meeting, you had a whole broad coalition, not only of Dynamo Soccer, but there are other soccer leagues and enthusiasts that would have been a great group to receive this proposal. You know, mill it over, fine-tune it a little bit even before it came to Council.

Mr. Onorato:

I am here to agree with you 100 percent. I think it should have been brought to the committee. It probably would have resolved this miss information for the public out there. We would have avoided some individuals thinking there is something else being done here.

I will just end by saying that I will agree with Councilman Ferlo, Councilman O'Connor and Councilman Cohen. I think it was cheap a shot to take at any one of you here because every one of you have fought like I have for our districts and citywide to provide amenities to the all the sports, football, baseball, soccer. If you look at this Council I think in the last five years just probably in more concession stands, more fields, more improvements in our ball fields than I have seen probably in the last 20 years growing up in the area that I grew up in. That's citywide.

So if anyone thinks that somebody is not watching the store, this Council, the

nine of us, I think have been doing more for fields and that is all the sports than the city has been doing over the last couple decades. So I will put that plug in for the nine of you. This particular thing, this is what happens when there is no communication. It should have been brought to the committee, to the Council, to the community and that wasn't done. I agree with you it's time to move forward and hopefully this doesn't happen again. Wishful thinking I think.

The Chair:

Some of the questions that have come up since this discussion that Mr. Onorato is your committee is based citywide. I have had people in the South Hills, South Side section ask me what is going on over there. So if something is built here it has to be for the whole community, whether it be Highland Park, Schenley Park, Riverview. So we are looking at a community city facility. I think it needs a lot of input after the study. We have to continue on.

Bills are now ready for final action, all in favor of the passage of the bills vote aye when names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Udin	Mr. O'Connor
	(Pres't)

AYES **Eight** **NOES** **None**

Bills have received the legally required number of votes, and are passed finally.

The Chair:

Under motions and resolutions.

MOTIONS AND RESOLUTIONS

MR. O'CONNOR AND ALL COUNCIL MEMBERS PRESENT:

No. 940 WHEREAS, Billy Neumont was a fixture in Pittsburgh's boxing community; his impressive career of 44-4-4 speaks for itself and includes training and matches with such legends as Rocky Graziano and Billy Conn; and,

WHEREAS, Billy Neumont's boxing career ended upon his serving in the Marine Corps during the Korean War; and,

WHEREAS, Billy Neumont was a successful businessman and equally successful in the community; and,

WHEREAS, that success is a result of his involvement, never-ending love, commitment and support for those in recovery; and,

WHEREAS, that support included the initiation of the very first Narcotics Anonymous group in the City of Pittsburgh and as mentor to individuals in need of guidance.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby extend to the

Neumont family and their friends its deepest sympathy in their incredible loss; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby proclaim October 30, 1998, as. "Billy Neumont Day" in the City of Pittsburgh.

Also,

No. 941 WHEREAS, American women have served in defense of their country since the American Revolution, long before they even had a right to vote. During the War for Independence, women served as laundresses, nurses, water bearers, cooks, spies, and disguised as men fighting for victory; and,

WHEREAS, Women served as nurses for the American military in the war of 1812, including two women who served on board United States. On board USS Constitution was a U.S. Marine known as George Baker. He was actually Lucy Brewer, the very first woman Marine. The Marine Corps did not recruit women until over 100 years later; and,

WHEREAS, women enlisted in the United States military for the first time during World War I. Over 12,000 women enlisted in the U.S. Navel Reserve as yeomen under a loophole that stated any "citizen" of the United States could be enlisted by the military; and,

WHEREAS, women also contributed to the war effort through a variety of volunteer organizations as war relief workers for the American Red Cross, as Red Cross nurses, with the Salvation Army, with the YMCA and

YWCA, and as doctors in American women's hospitals and clinics; and,

WHEREAS, during World War II, over 350,000 women served in the armed forces. For the first time, women filled roles other than the traditional roles of nurse, caretaker, and cook. There were women in industry, women pilots, women mechanics, women intelligence officers. During the war period, all branches of the armed services created female units, and American women served and died for the country stateside as well as overseas in a variety of challenging new roles, experiencing a freedom previously unavailable to them; and,

WHEREAS, today, there are nearly 200,000 women on active duty in the U.S. military service. Since Desert Storm, women have been stationed around the world, and have served in every deployment undertaken by the U.S. military, including Haiti, Somalia, Bosnia, and Serbia.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend all women who served within our country's military; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby proclaim November 3, 1998, as, "Women in American Military Day" in the City of Pittsburgh.

Also,

No. 942 WHEREAS, Evelyn Ruth Parker Levine Klemp was born on January 11, 1919 in Pittsburgh to Mary and Israel Parker and resided in several Pittsburgh

neighborhoods before settling with her family in Squirrel Hill; and,

WHEREAS, Evelyn remained a loving sister to her four brothers and two sisters: Mike, Ben, Sam, Mushy, Esther and Hilda, with whom she spent time in Highland Park on hot summer nights; and,

WHEREAS, Parker family patriotism was always apparent, especially on the Fourth of July as the family created its own parade by decorating their car and driving throughout the neighborhood; and,

WHEREAS, Evelyn met Joe Klemp through their close friend, Freda Katz, marrying him in 1946, despite the fact that he wore pink and red on their first date; and,

WHEREAS, their loving and supportive marriage of 52 years includes their four children, Larry, Judy, Buddy and DeeDee, their fourteen grandchildren and two great-grandchildren and many trips to Wildwood; and,

WHEREAS, Evelyn is notorious for staying up late whether at home in Pittsburgh or Dania, Florida and as always, remains devoted to her family; and,

WHEREAS, Evelyn helped in pioneering "Reach to Recovery," one of the original programs for survivors of breast cancer, as a survivor herself.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby extend to Evelyn Klemp its congratulations and best wishes as she celebrates her 80th birthday; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby proclaim November 1, 1998, as, "Evelyn Klemp Day" in the City of Pittsburgh.

MR. UDIN moved to approve the motions.

The Chair:

That's my mother-in-law.

MR. FERLO seconded the motion.

Which motion prevailed.

Mr. Ferlo:

Mr. President, tomorrow is a very important day in the City of Pittsburgh and for our region, it is Election Day. I won't engage into bias partisan politics, but it's a very important election tomorrow. What I actually am very concerned about is it seems to be a deafening silence locally as it relates to the election.

Maybe I am off the mark on that, but I am very concerned because however you feel about the constitutional questions on the ballot, I happen to be personally very much opposed to them. But there are a lot of important races from the governor and US Senate on down. But quite frankly there is no more important election tomorrow for the future of our city and in my opinion than the congressional election that will take place. Whatever people do or however people feel about the individuals involved, I would ask that they please get out and vote.

Because to me no where is there a greater contrast in a tale of two cities than

the platforms, the positions and what the two individuals who are wanting to be re-elected as an incumbent, another individual who is seeking the post. But I can see really a dramatic tale of two cities depending on who gets elected or re-elected tomorrow in the congressional seat. Whether it is the issue of Federal Medicare and social security, there is a significant contrast between the two and in one case one gentleman would pretty much gut the viability and the livelihood of most elderly people in the City of Pittsburgh and I am very concerned about that.

The fact of the matter is there is a significant contrast in whether or not we will continue to have commitment and funding as expressed by the President. Recently the budget vote on whether or not public education will be improved in our society especially our urban core of the City of Pittsburgh. There is a significant contrast on whether or not there will be a level playing field between Union and management on so many key issues. Whether or not various Public Safety grants that we have enjoyed here in the city government would continue. Whether or not federal monies would be available for empowerment zone. We have an application pending for 100 million dollars to really take back this city and generate a billion dollars of new investment including in my district of Lawrenceville.

So there is a lot at stake in this election tomorrow for the congressional race and most notably also a significant contrast in whether or not health insurance companies are going to dictate the quality of life in the health care for people who need badly needed health care? Or

whether or not some insurance executor or clerical worker continues to dictate the quality of life and the health of people who are badly in need of primary, secondary and tertiary care, health care needs?

So the congressional election is tomorrow, I won't mention any names. It is quite obvious the incumbent who I heavily support. It is also interesting in the contrast in the contributions we have one gentleman who is running tomorrow if you look at the contributions list off the internet as filed by the Federal Government, you see all the insurance companies locally contributing. You see Richard Mellon Scaev Fund contributing, you see my good friend Patrick Buchanan (phonetic), right wing journalist presidential candidate supporting that gentleman.

On the other side of the ledger you see the incumbent congressman and the broad-based support that he has from individuals and from unions and from elderly organizations and the like. So, however people feel and it is really their decision not mine, it is a very important election tomorrow congressionally and I hope people will get out and vote and continue to preserve and protect the quality of life in the City of Pittsburgh.

Thank you.

Mr. Udin:

Thank you. I would like to associate myself with the comments of Councilman Ferlo on the importance of people getting out to vote. I think that the people who live in urban areas and cities have a lot at stake in this election.

I think that the people who would be deprived important minority communities, seniors, children and very, very important resources are depending on those populations to stay at home. To be discouraged by what is going on in Washington, to be discouraged by the fact that the governor's race seems to be one sided. Whatever the appearances are, we have a lot at stake. It is absolutely important that we come out and vote and send a strong message that we are aware of the issues that are important to us and that we are actively involved in the politics that are in our best interests.

So nothing is more important tomorrow than communities to come out and vote. I guess if I were in Chicago, I would say come out early and vote often but this is Pittsburgh so just come out and vote once. Thank you.

The Chair:

Any other discussion? Again, we will want a second and I believe all Council members what both of you just said, tomorrow we will be closed. Our offices will be closed and the next meeting will be Wednesday, your meeting. I urge everyone to go out and vote.

I also would like to excuse the absent member, Mr. Ricciardi. His daughter is having her tonsils taken out today. So our prayers are with her. Hopefully Gene is not too nervous.

MR. UDIN moved to excuse the absent member.

MR. FERLO seconded the motion.

Which motion prevailed.

MR. FERLO moved to approve the minutes.

MR. UDIN seconded the motion.

Which motion prevailed.

The Chair:

We will adjourn. Our next meeting will be Monday, November 9th at ten a.m. The Mayor's Budget Report is next Monday. Motion to adjourn?

MS. MCDONALD moved to adjourn the meeting.

MR. HERTZBERG seconded the motion.

And on the motion made by Councilwoman McDonald, the meeting adjourned.

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ONE-HUNDRED THIRTIETH COUNCIL

BOB O'CONNOR..... President
LINDA M. JOHNSON-WASLER.... City Clerk
JOHN R. MASCIO..... Deputy City Clerk

Pittsburgh, PA
Monday, November 9, 1998

PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Diven	Mr. Ricciardi
Mr. Ferlo	Mr. Udin
Mr. Hertzberg	Mr. O'Connor
Ms. McDonald	(Pres't)

The Chair:

Before we do the pledge of allegiance will the Finance Chair Mr. Udin and the newest member of Council, Michael Diven, please escort the Mayor into our chambers?

(Mayor Murphy was escorted into Chamber.)

Will you all please rise for the pledge of allegiance and remain standing

for a moment of silent prayer for peace and hope throughout the world.

I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God indivisible with liberty and justice for all.

The Chair:

Ladies and gentlemen, it's my honor and privilege to introduce the Mayor of the City of Pittsburgh, Tom Murphy.

Mayor Murphy:

Good morning and thank you, President O'Connor and members of City Council. Thank you for inviting me today to your Chamber to present the 1999 Operating Budget for the City of Pittsburgh. I am delighted that we have been joined by City Controller Tom Flaherty, many city workers, residents of the City of Pittsburgh and Directors of Departments as we begin this important discussion about the City's 1999 Operating Budget. I particularly want to thank Paul Hennigan, Director of the Office of Management and Budget and his staff for working very hard to put this budget together.

For the past 30 years our city has been faced with managing decline. If you think about it, we have shrunk well but we have been having to struggle with how we manage to decline. I believe for the first

time in almost two generations we are at a point where we can talk about what it means to manage growth and success. With the help of City Council over the past five years we have been physically prudent in the management of the operations of this city. We have made tough choices. Holding the lines on expenditures as our costs continue to grow at a faster pace than our revenues. 1999 is going to be no different.

Despite these constraints we must continue to provide high quality municipal services, keep our streets safe, and neighborhoods clean. We must continue to make the necessary investments to grow Pittsburgh in our neighborhoods. We must continue to hold the line on taxes that have prevented our region from growing with the rest of the country. We must find new and innovative ways to connect the citizens of Pittsburgh with job opportunities that are now being created. In the three billion dollars of new development under way all across the city, we must continue to streamline our operations to ensure to our citizens that they are receiving the most cost effective services possible. They are just a handful of the challenges that we attempt to face in the 1999 Operating Budget.

I recently read an interesting story in the Wall Street Journal, which compared the business tax burden of Pittsburgh to 27 other cities across the country. While the average tax burden in those 27 cities grew by one percent over the last five years, Pittsburgh's was reduced by one percent. I have to thank all of you, members of City Council, for helping to raise the business privilege tax exemption to ease the burden on local businesses. It is this type of forward

thinking that has allowed us to generate a tremendous new private investment in the City of Pittsburgh over the last five years and will allow us to continue to do that into the future.

We now have begun to see the investments pay fruit in our community. Just this past Friday Lazarus opened its doors to a tremendous crowd some of the most exciting moments I have seen in 20 years in downtown as people waited to get a new look at the store. We have already seen how that has acted as a catalyst to create new investments with the Lord and Taylor Store soon to be under construction for year 2000 opening. All of this at a time when the experts had said downtown retailing was dead.

Our two new banks, our two great local banks, PNC and Mellon are both building new operation centers. It is a hundred million plus investment that will collectively anchor almost 6,000 new jobs in the City of Pittsburgh. Lawrenceville and its surrounding neighbors are enjoying a new Shop'n Save. Soon Home Depot will act as the catalyst for the revitalization of East Liberty anchoring that area that has not seen a major new investment in almost 40 years. Just think within walking distance of where we sit today over two billion dollars worth of construction will be underway by the spring in commercial entertainment residential and retail development. The success of our long-term investment in the revitalization of our neighborhoods and our businesses is being realized and we must continue to work together to build upon this success.

With the success we have seen in our efforts to grow and revitalize our city, we have seen new job opportunities

developed for our residents. Under the leadership of Barb Purees in the Department of Personnel and Civil Service they have worked tirelessly to connect Pittsburgh residents to the new job opportunities. We have seen this success, we have seen the efforts of this success has paid off. This past spring the Pittsburgh Partnership placed 153 Pittsburgh residents in jobs at the new Lawrenceville Shop'n Save alone. More than 3,000 city residents attended our first ever career market day in August and due to that tremendous success we have scheduled a second career market day in the coming spring.

But I believe we can do better now. We can effectively call the bluff of people who say there are no jobs in Pittsburgh. They come to you as they come to me saying help me get a job, Mr. Councilman. But we can do different; we can do better now. I have budgeted in this budget \$400,000 and I along with parallel effort in the county with my two good partners Mike Dawida and Bob Cranmer I believe we can provide a pathway to every city and county resident who truly wants to find a job. Whether in computers or in construction for the first time in many years we can say to Pittsburghers if you want a job, there is a job for you. We can help you find that job. It's time to begin to think about putting up billboards in Washington and Houston, in Charlotte that simply says come home Pittsburghers we have work now.

Everyday I travel throughout our city. It's impossible to do so and not be excited about the many wonderful things happening in our neighborhoods. We now have renovated or rebuilt nearly 100 playgrounds throughout the city and we

are committed to finishing the remaining 70 in the next two years. We now see new housing developments sprouting all over the city in the Hill District and Manchester, in South Side and the strip district. Just the other day I was at a groundbreaking for a new housing development in Troy Hill, a neighborhood that hasn't seen new housing since World War II. All of this new housing represents an exciting commitment to the city and adds to our tax base. Our recently released draft capital budget places fully 85 percent of the available funds from our capital budget into neighborhood projects. My operating proposal expands on the programs that will continue to make our neighborhoods a wonderful place to live and to work and to play.

Doing more with less has been a constant theme for our city unfortunately over the last four years. I want to personally thank each and every Department Director and employee of this city who has responded with tremendous dedication and devotion to providing top quality services. Our work force continues to come up with creative solutions to the budgetary constraints and they deserve real credit.

No department exemplifies our ability to do more with less than Public Works. Ralph Kraszewski, who by the way is recovering quite nicely from his recent surgery I might add and the employees of the Public Works Department have done a tremendous job of meeting the challenges of maintaining the city's infrastructure. In 1998 they went into 29 neighborhoods from Carrick to Beltzhoover for intensive one-day cleanups called Clean Sweeps. They paved nearly 70 miles of streets, and last

year completed construction on the Eliza Furnace Trail along Second Avenue. If you haven't been on it, I encourage you to go test it out. You may be the only person left in the city who hasn't done that.

The Department of City Planning under the Director Eloise Hirsh, embarked on many exciting new initiatives in 1998. For the first time in 40 years, our Zoning Code has been rewritten and updated due no small part to the hard work and leadership of Councilman Dan Onorato and his colleagues to make it easier to do business. City Planning has released a 10 year downtown plan, an ambitious program to revitalize downtown and turn it into a 24-hour city. We are on our way to making that plan a reality.

Public Works continues to be a top priority for our administration. Over the past four years we have seen a tremendous decrease in violent crime, 1997's crime rate was the second lowest in the past 31 years, second lowest only to 1996. Chief McNeilly and his staff and the entire Police Bureau are to be commended for their courageous service. In an effort to continually improve the safety and satisfaction of our communities, we will be launching an exciting new management initiative within the Police Bureau. Designed to ensure that our Police Bureau is one of the best and most professionally managed in the country.

In addition we have budgeted for a new class of police officers and two new classes of firefighters in 1999. I plan to work closely with the Police, Fire and EMS Bureaus to ensure that they have the tools necessary to provide top level service to our city. The fact that the city's firefighters union has developed a plan to

potentially save the city 2.4 million dollars in our budget shows their strong commitment to the success and financial health of the city. I want to thank them for their commitment.

While we see many success stories in the management of the city over the last five years we have to challenge ourselves to continue to do better. We must continually benchmark the competitiveness of our services against the best practices available both in the public and private sectors. We have seen the dramatic effect that service delivery benchmarking and management improvements can have in this city. Just a few short years ago the Housing Authority was rated as one of the worst in the country. It was months away from being taken over by the federal government. We recognize many of our shortcomings and by benchmarking our service delivery against the best practices in the country, in changing our traditional way of doing business, we have been able to see dramatic increases in the quality of service in public housing. In fact our Housing Authority now ranks among the best in the nation for service delivery.

Let me give you one example of how this service improved in the Public Housing Authority. Several years ago it took 290 days for the city's Housing Authority to fill a vacancy. While at other cities that were the best in their class it was taking as little as twenty-three days. Today our Housing Authority is at or very close to the best management practices in this area and many others. I have challenged our other Department Directors to begin examining our own management practices and to find out where in the private or public sector do they manage

better. We must examine the best practices into both the public and private sector to understand how they do that. As an example we have received a lot of good information from the refuse bid. Information that may lead us to the conclusion that we are not as efficient as we could be. We need this information. We have an obligation to our taxpayers to get this information and compare our level of productivity and efficiency. We are currently going through the same activity with regard to fleet maintenance and the asphalt plant; this process is critical to helping us manage greater productivity in efficiency throughout the city.

I challenge City Council not to interfere with our efforts to gather information to benchmark our services against best practices both public and private and to work with me to improve our service delivery. Over the next two months we will be forced to make many tough decisions. Decisions to bring our budget into balance. Some measures we have already undertaken. We have already saved the city \$3.3 million by restructuring our huge unfunded pension obligation and 7.4 million by refinancing our debt. In addition, we have worked together over the past few years to develop a 40 million dollar savings account for the city. I am proud to be presenting to you our third straight balanced budget. We now have a proven track record of fiscal success. I urge City Council to maintain the level of discipline we have achieved together and to work with me to balance our budget without raiding our savings account.

There is much more work to be done. This budget proposes several ways to increase our revenue to bring our budget into balance. Increasing the state share of

funding for magistrate court, utilizing the 1997 budget surplus, increasing water rates for non-profit organizations by 20 percent excluding churches and synagogues. We can also increase our revenues by leasing our asphalt plant, by instituting a \$3 per month residential fee for refuse collection and disposal. This final line item of \$3 per month is what will make the difference in our ability to clean up the city in its neighborhoods. In my meetings with each of you, you have agreed that there is one area that needs focused in 1999 and that is keeping our city clean.

By maintaining the revenue budget at the level, which I have proposed, we will be able to fill all the current vacancies in the departments for particularly in the department of Public Works almost 25 vacancies. These positions and hopefully more will be targets specifically for clean up activities. The budget that I submit today includes several new revenue sources that will not negatively impact the city's ability to compete for new businesses and residences. I challenge City Council to use the same criteria when bringing their own budgetary ideas to the table.

I believe that we can successfully work together to meet the substantial challenges of balancing the city's budget. I look forward to working with all of you, Tom Flaherty, our Department Directors and the residents of this city to create an operating budget that is fiscally sound, provides high quality services and continues the high level of investment in Pittsburgh. Together we can build on our success. Thank you.

The Chair:

We certainly want to thank the Mayor and all the Department Heads and employees for a job well done. It is exciting to live in Pittsburgh and we look forward to working with you on this year's budget.

The budget proceedings will be starting this week, led by Council Chair Udin. Councilman Udin, would you like to say a few words before we recess?

Mr. Udin:

Thank you, Mr. President. I just want to take a moment to thank Mayor Murphy and his administration. Are the mic's on?

I want to take a moment to thank Mayor Murphy and his staff, particularly the Finance Director and Budget Director Paul Hennigan, for a very aggressive and innovative budget that will challenge us, I think, to do our best and to manage growth as he said rather than to manage a decline. I also want to thank the Mayor for over the last few months what I consider to be an improved sense of openness in communication with Council. I think that we have demanded communication and input. There is room for improvement obviously, but it has improved and that needs to be acknowledged.

The Charter requires that the Mayor prepares the budget and submits it to Council and he has done that. Now the budget is in our hands. I want to thank our colleagues also for the last few months of your very thoughtfulness and serious consideration of ideas and proposals that will find new ways to fund the budget and to expand the city's resources in an effective and cost conserving way.

We are challenged now over the next five or six weeks to participate in some rather intense budget hearings with each of the departments and authorities that are included in the budget. To analyze the operating budget and the capital budget and to keep in mind that we are not just examining numbers. We are making decisions about the quality of life we want to provide for residents of the city.

So I think we have some unprecedented opportunities in Pittsburgh for growth and development, unprecedented opportunities for employment. Whether or not we are going to make sure that the residents of the City of Pittsburgh participate as workers in that employment or stand around on the sidelines as we have been doing over the last few years with our hands in our pockets while people from other communities come into Pittsburgh to work, will remain to be seen. I look forward to the participation of all members of Council in the budget hearings. It's now in our hands and I am looking forward to doing our responsibility with the budget. Thank you.

The Chair:

I would like to welcome and recognize Controller Tom Flaherty to our chambers. Welcome, Controller. I see a lot of hard working city employees. So we will take a five-minute recess so everyone can go back to work.

(The meeting recessed)

The Chair:

Council's Legislative Meeting will

now come to order. Mr. Udin, you have some very special guests. Would you like to bring your guests up first?

PRESENTATIONS

Mr. Udin:

Thank you. Can we have the representatives from Grace Memorial Presbyterian Church first please? Welcome.

Thank you all for coming down.

Three years after the end of the Civil War, Grace Memorial Presbyterian Church was established and now is celebrating its 130th Anniversary. I am pleased and proud to be associated with Grace under the pastorship of formerly Reverend Samuels and now the pastorship of Reverend Johnny Monroe. Not only do they attend to the spiritual needs of the community, but they attend to the material seven day a week needs of the community as well. Pastor Monroe is able to do that through the help of church leaders like those who are with us today to receive this proclamation.

I have Ms. Nan Currington, Lloyd Wright, Evon Addison, Mary Jane Page, Edith Adockans (phonetic), and Francis McGill who are with us today. I would like to thank them and read the proclamation and then have Mr. Currington, or whoever else would like to speak to come to the microphone to speak as well.

MR. UDIN PRESENTS:

No. 943 Whereas, the Grace Memorial Presbyterian Church, organized

in 1868, this year celebrates it's 130th anniversary; and

Whereas, Grace Memorial Presbyterian Church is the oldest African-American Presbyterian Church in both Pittsburgh and Allegheny County, serving the community through ministries and outreach and as an advocate for social justice and righteousness; and

Whereas, Grace Memorial Presbyterian Church has been pastored by fifteen ministers, two having served as Pittsburgh Presbytery moderators (Rev. Marshal Bell Lanier and Dr. Harold Tolliver) and has been blessed with sons and daughters entering the gospel ministry and serving in many other walks of life; and

Whereas, Grace Memorial Presbyterian Church is committed to "Building and Ministry of Hope" continuing to be a "Beacon on the Hill" and a "Spiritual Filling Station"; and

Whereas, Grace Memorial Church is very proud of it's rich history and is looking forward to many more years of ministry with and service to God's people

Therefore, Be it Resolved, that the Council of the City of Pittsburgh recognizes with deep appreciation and respect the ministry of the Grace Memorial Presbyterian Church and congratulates the church and it's members as they celebrate their 130th anniversary.

MR. HERTZBERG moved to adopt the resolution.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

Ms. Currington:

Good morning, I am Nan Currington the General Chair Person of this 130th Anniversary celebration.

It is with a great deal of humility that I receive this proclamation representing all the members past, present and future of the Grace Memorial Presbyterian Church.

This week we continue to celebrate beginning tonight when we will have one of the sons of the gospel to speak to us and he will be Thomas William Ford, Junior. On Wednesday we will have Gene Adams Daniels and on Saturday we celebrate the banquet. But on Thursday we lift the history of the church, which will begin in 1867. We will walk through the various locations of the church, through this community to our present location at 1000 Brinmawer (phonetic) Road.

Again, I appreciate and thank you for this proclamation.

Mr. Udin:

Could we have the representatives of National Hunger and Homelessness Week please come forward. Thank you all for coming down.

Colleagues, this is a very special proclamation and week because it represents an issue that is often hidden for many of us. It is hidden in the various images and expressions of what America looks like. We often times don't want to see the warts, we just want to see the beauty parts of our society. But those who

live with hunger and homelessness are just as much a part of the American story as any other features. It's important that we keep it front and center so we are always reminded that they are also part of the constituents that we serve and that we must do everything that we can in the richest nation in the world to wipe out hunger and homelessness.

So I am really proud along with all of my colleagues to be one of the cosponsors of this resolution acknowledging National Hunger and Homelessness Awareness Week.

MR. UDIN AND ALL COUNCIL MEMBERS PRESENT:

No. 944 WHEREAS, November 15-21, 1998 is National Hunger and Homelessness Awareness Week. To highlight the week, Operation Save-a-Life is sponsoring a march and rally to bring hunger and homelessness to the attention of the Public; and

WHEREAS, Operation Save-a-Life began in late 1991 as a volunteer organization and is run by formerly homeless men and women. The volunteers distribute donated food, clothing, blankets and toiletries; and

WHEREAS, Operation Save-a-Life volunteers take turns going out into the streets each night with various supplies, and the understanding and compassion which only they can provide with their unique perspective; and

WHEREAS, National Hunger and Homelessness Awareness Week promotes thought and action on any issue that many might not recognize. The march,

sponsored by Operation Save-a-Life, brings together numerous organizations from the City of Pittsburgh and surrounding areas; and

WHEREAS, it is through the efforts of organizations such as Operation, Save-a-Life that the plight of the area's homeless is not forgotten.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh commends Operation Save-a-Life for its activism on behalf of the homeless and we join the entire country during National Hunger and Homelessness Awareness Week in efforts to end this serious problems.

MR. HERTZBERG moved to adopt the resolution.

MR. FERLO seconded the motion.

Which motion prevailed.

Mr. Udin:

I would like to present someone who is no stranger to Council. A man who works diligently with and for the Homeless and the Hungry, Mr. Phil Pappas, and ask Phil if he would introduce others who are with him and anyone who wishes to speak may feel free to do so.

Mr. Pappas:

Let me just introduce our Board President Sam Podolsky, Community Services and Save-A-Life is an umbrella under that organization and Sam who has worked so diligently for all kinds of efforts in this town, has given this movement its best.

Mr. Podolsky:

Thank you, Phil and President Bob O'Connor and members of Council. On behalf of Community Human Services and Save-A-Life we want to thank you for your diligent participation in this program and Homeless Awareness and Hunger. This Saturday we had the fortunate opportunity of receiving a permit for the march, which will begin at Freedom Corner, at Crawford and Center at 9:30. We will have a rally at Market Square at 11.

So we would like to see the participation of all members if possible to join with us in Homeless and Hunger Awareness Week. As Phil told you Operation Save-A-Life is under the umbrella of Community Human Services of Oakland. We're in our 28th year. It's still serving the community well and we thank you.

Mr. Mickle:

I am John Mickle. Currently I am the Coordinator for Operation Save-A-Life and I work for Phil and Sam. I wish to thank Councilman Udin for his support of this proclamation and all City Council members. Also, I want to thank Phil and Sam for nurturing our group and bringing us to where we are today.

All the organizations that are participating this Saturday in the march along with the schools, the hunger programs, these two issues homelessness and hunger I believe we can really eradicate in our city. We have been in the forefront of these areas for a long time and we have the opportunity to really make a difference. I appreciate all of your

support. Thank you.

Mr. Pappas:

The Mayor spoke of benchmarks and those of us who are growing old and who have been warriors in this movement. What is really powerful about this march on Saturday and what is really extraordinary over the last seven, eight years is the capacity or the wonderment of having new people take the mantel and move forward. But what is really important is that we are discovering men and women who came in from the streets seven or eight years ago some of them out there 15 and 20 years they are amongst us here today who take the gifts of their recovery. Take the gifts of them coming in and taking this movement forward which kind of replaces some of us old guys and gals that have been doing this for years.

To them, I want to give this extraordinary honor for what they're doing every day of their lives for the homeless and hungry.

The Chair:

Good morning. I have the honor of having Sky Forester from the World Affairs Council and, Mr. Cohen, you want to come up you cosponsored this with us. We have a very distinguished visitor to this city and in the next couple of days. The Dalai Lama head of state and spiritual leader of thousands of people and it's quite an honor to have him here. I think he's coming Wednesday -- Thursday he will be in Pittsburgh. So I have this resolution I would like to read and let you say a few words.

MR. O'CONNOR, MR. COHEN, MR. DIVEN, MR. FERLO, MR. HERTZBERG, MS. MCDONALD, MR. RICCIARDI, MR. UDIN PRESENT:

No. 945 WHEREAS, his Holiness, the 14th Dalai Lama Tenzin Gyatso, the head of state and spiritual leader of the Tibetan people, was born on July 6, 1935, in a small village in northeastern Tibet; and,

WHEREAS, at the age of two, His Holiness was recognized as the reincarnation of his predecessor the 13th Dalai Lama; and,

WHEREAS, His Holiness began his education at the age of six, completing the Geshe Lharampa Degree when he was twenty-five in 1959, taking the final examination during the annual Monlam Festival of Prayer, held in the first month of every Tibetan calendar year; and,

WHEREAS, on November 17, 1950, His Holiness was called upon to assume full political power after some 80,000 Peoples Liberation Army Soldiers invaded Tibet; and,

WHEREAS, Since his first visit to the West in early 1973, a number of western universities and institutions have conferred Peace Awards, Awards and Honorary Doctorate Degrees in recognition of His Holiness' distinguished writings in Buddhist philosophy and for his leadership in the solution of international conflicts, human rights issues and global environmental problems; and,

WHEREAS, on December 10, 1989, His Holiness accepted the Nobel Peace Prize on behalf of oppressed people

everywhere in recognition of his peaceful solutions based upon tolerance and mutual respect in order to preserve the historical and cultural heritage of his people.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby extend to the Dalai Lama its heartfelt and warm welcome to the city; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby convey its best wishes and congratulations to the Dalai Lama and declares November 9, 1998, to be "Dalai Lama Day" in the City of Pittsburgh.

MS. MCDONALD moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Sky, would you like to make a comment? What's going on?

Mr. Forester:

I am President of World Affairs Council. I would like to thank Councilman Cohen for all of the support that we have had in providing this proclamation. The World Affairs Council is only one player in this. We are an unpartisan organization that was invited to host a luncheon for the Dalai Lama -- with the Dalai Lama so that he could address the City of Pittsburgh in a secular and public event.

As you know there are also some religious events in Heinz Hall and at Soldiers and Sailors later in the day. We do this with a great sense of honor in helping to bring to Pittsburgh for the first time his Holiness the Dalai Lama. He is in Washington now and at a time of considerable movement perhaps between Tibet and China, the Tibetan people in China and finding some resolution.

So it is a great honor for us to be participating with the Pittsburgh Friends of Tibet, with the Buddhist Society of Pittsburgh and with the Three Rivers Dharma Center in helping host the Dalai Lama in Pittsburgh on Thursday, November 12th, following his visit in the region at Seaton Hill College in Greensburg the day before.

So we are delighted to have this. We look forward to giving you the opportunity to present this as well at the luncheon at the Double Tree on Thursday. Thank you all very much.

Mr. Cohen:

We are very fortunate to have the Dalai Lama come to Pittsburgh. Being the spiritual leader of Tibet and certainly a great figure for world peace. Hopefully there will be some negotiations with the Chinese leadership to provide the Tibetan people the rights that they are inspired to. Hopefully here in Pittsburgh we can provide some small assistance to that by welcoming the Dalai Lama with open arms in the true Pittsburgh tradition.

So I thank you for bringing him here and we certainly look forward to his words. Thank you very much.

The Chair:

Would the members of the St. Barnabas please come up? We have Jay Pochaypin who is a fellow green fielder now and you will certainly recognize his voice. He's the Mediator Relations Manager for Saint Barnabas. I will read the proclamation and let you, Barbara Bloomer, Gary Wilson and Sandra Lejume. Thank you for coming down.

MR. O'CONNOR AND ALL MEMBERS OF COUNCIL PRESENT:

No. 946 WHEREAS, St. Barnabas health System, founded in 1900, has offered relief and hope to needy and homeless men and boys and, ultimately, all persons, without regard to race, creed, color, sex or ability to pay; and,

WHEREAS, St. Barnabas Health System traces its roots back to a humble mission house along Downtown Pittsburgh's Third Avenue, then moving to Sydney Street on the city's South Side, then Carrick and then McKeesport, before arriving at the site of its present-day campus in Gibsonia, Pennsylvania; and,

WHEREAS, the tradition of charity and compassion established by its Brother Founder, Gouveneur Provoost Hance, remains at the forefront of its policy to this very day, exemplified by the "Presents for Patients" campaign, now in its 15th year; and,

WHEREAS, "Presents for Patients" was founded by the President of St. Barnabas Health System, Mr. William V. Day, which encourages contact between residents of nursing homes and assisted living facilities and the surrounding communities, this, brightening the

holidays at over 150 elder care facilities for tens of thousands for whom the season would be less bright in the states of Pennsylvania, Ohio, West Virginia and New York; and,

WHEREAS, St. Barnabas Health System and "Presents for Patients" have repeatedly brought Pittsburgh and Southwestern Pennsylvania to the attention of the entire world in a most positive light, demonstrating older adults still have valuable qualities to share with the larger community.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby praise and commend St. Barnabas Health System, its participating elder care facilities, its sponsors, donors, volunteers and other participants including Pittsburgh's Channel 11 WPXI-TV; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare November 11, 1998, as, "Presents for Patients Day" in the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Jay, we are very honored to have you and thank you for all your hard work.

Mr. Pochaypin:

Thank you, Mr. President. Just a few quick remarks. As a native and nearly

lifetime resident of the City of Pittsburgh it is a great honor to receive this proclamation from the City Council. I just want to remind everyone that they can sign up for Presents for Patients Program simply by calling area code 724-444-0011 or you can look for donor cards in participating facilities. It just takes a moment to fill out and it doesn't take much money to participate, about \$5 to \$15 for the average donor gift to a resident or patient. What really is important is the contact, the visit. That's what makes the program work.

Again, thank you very much for the proclamation and I am honored to receive it and to represent Saint Barnabas and Presents for Patients on this occasion. Thank you.

Ms. Bloomer:

Good morning. Presents for Patience everyone thinks is for the elderly. Many of the personal care homes that the Presents for Patients does serve we have young people. We have a lot of young people and the demographics for personal care homes is changing. Presents for Patients is there for them every year and no one is neglected even the young.

So we want to thank Presents for Patients and thank the City of Pittsburgh for this proclamation.

The Chair:

All right. We have one more proclamation that I am very, very honored to do. I would like to share it with Councilman Cohen. Mr. Manny Gold is no stranger to these chambers. Please come up, Manny.

This is I think our 15th year. Manny is one of the founders of the Jewish Sports Hall of Fame and this is an outstanding event each year. We will have a dinner next week. I would like to read the proclamation to Manny.

MR. O'CONNOR AND ALL COUNCIL MEMBERS PRESENT:

No. 947 WHEREAS, the Jewish Sports Hall of Fame of Western Pennsylvania was established to honor and recognize Western Pennsylvania's outstanding Jewish athletes and notable members of the sports world who have distinguished themselves through their significant contributions to the community both on and off the field; and,

WHEREAS, on Sunday, November 15, 1998, the following individuals will be recognized for their contributions to sports and their leadership in their community, by their induction into the Jewish Sports Hall of Fame:

Paul Jackson	Special Awards
Eugene Litman	Robert Welfer
Jeffrey Mallet	Claire Reingold
Julius Trabit	
Jessica Wilk	Ziggy Kahn Award
	Frank Smizik

Posthumus
Abe Breman
Nate Finkelhor
Abe Marcovsky

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby congratulate the 1998 Jewish Sports Hall of Fame inductees and joins with the Jewish Sports Hall of Fame in recognizing them for their

efforts to make Pittsburgh a better place in which to live and play; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby convey its best wishes to Harriet Litman, President of the Jewish Sports Hall of Fame of Western Pennsylvania, Banquet Chairman Josh L. Sivitz, and all members of the Hall of Fame and declares Sunday, November 15, 1998, to be "Jewish Sports Hall of Fame of Western Pennsylvania Day" in the City of Pittsburgh.

MR. FERLO moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Is this sold out yet? They get almost 500 people every year at this banquet and all the proceeds go to help youth activities all over the city. It is a great evening and I know Manny is a long time friend and really worked day and night to make this a successful event. We are honored to have you here, Manny. Come on up and say a few words.

Mr. Gold:

As Bob said, I am Manny Gold, I am founding member of the Jewish Sports Hall of Fame. We do wonderful, wonderful work. To see these young kids that we sponsor, we get them uniforms and anything that they might need to play basketball, hockey, tennis and any sport. We are there to support these young fellows. It is really great that we do this

for them.

I want to thank Bob and Dan and Council for giving us this proclamation. Thank you very much.

Mr. Cohen:

I don't know if public organizing is a sport, but if it is then Manny Gold should certainly be in the Hall of Fame for organizing this event. Every year it gets better and better. It is a huge event and it is a wonderful evening. But more important, the money that is raised for this event goes to supporting so many of these sports and so many of these kids that participate in these sports. We all know what the value is of organized sports for instilling values in kids growing up, that's for sure.

So I just want to thank Manny Gold and look forward to a wonderful evening and thank Bob O'Connor for being a terrific supporter. It will be in the new Beth Shalom Synagogue, which we just had a big ribbon cutting for last week. So it should be a great event. Thank you.

The Chair:

We will now move to presentation of papers.

MR. FERLO PRESENTED:

No. 948 An Ordinance Amending the Pittsburgh Code, Title Nine, Zoning, Article I, Administration; Chapter 903, Definitions; Section 903.02 (b) Bed and Breakfast by inserting a definition for "Bed and Breakfast". (SPONSORED BY MR. FERLO & MR. RICCIARDI)

MR. FERLO moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced, so the bills will be on the agenda this Wednesday. This bill is introduced by Councilman Ricciardi and myself. It involves the approval of the Planning Commission. So I am waiving Rule 8 because we have to refer it to the Planning Commission.

MR. HERTZBERG seconded the meeting.

Which motion prevailed.

MR. HERTZBERG PRESENTED:

No. 949 Resolution providing for the letting of a Contract or Contracts, or the use of existing Contracts for the purchase of equipment for the Department of Public Works, payment from Account 542100, Fund 1000, Org. 420000, Sub 120, Budget Year 1998, Specialized Landscape, cost not to exceed \$47,000.00 Department of Public Works and for payment thereof.

No. 950 Resolution amending Resolution No. 75, effective March 10, 1998, amending Resolution No. 1383, effective December 30, 1980, amending Resolution No. 1180, effective December 31, 1979, entitled Authorizing the Mayor and the Director of the Department of Public Works on behalf of the City of Pittsburgh, to enter into an Agreement or Agreements with the Commonwealth of Pennsylvania, providing for reimbursement to the City of costs for salting and snow plowing State Highways within City Limits, by designating that all such reimbursements received from the

Pennsylvania Department of Transportation shall be deposited into the Liquid Fuels Tax Trust Fund.

MR. HERTZBERG moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be the agenda this Wednesday.

MR. ONORATO seconded the motion.

Which motion prevailed.

Also,

No. 951 Resolution approving the Merger of the Southwestern Pennsylvania Regional Planning Commission and the Southwestern Pennsylvania Regional Development Council, Inc., and approving its Membership in the New Organization to be known as the Southwestern Pennsylvania Commission.
(SPONSORED BY **MR. HERTZBERG**).

MR. ONORATO PRESENTED:

No. 952 Resolution approving a Conditional Use exception under Section 993.01(a)A(33) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 to Farmer's Market Associates for the authorization to construct a 4-story structure with 75 units of housing for the elderly at 401 West Commons Road with parking to accommodate 36 automobiles on property zoned "R5" Multiple Family Residence District, 22nd Ward.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar

day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Also,

No. 953 Resolution authorizing the City of Pittsburgh to submit four grant applications to, and execute relevant agreements with, the Pennsylvania Keystone Recreation, Park and Conservation Fund Program.

No. 954 Resolution approving a Conditional Use exception under Section 993.10(a)(7) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 to the Allegheny County Court of Common Pleas, Office of Juvenile Probation for authorization to occupy a portion of the first floor of the existing structure at 5231 Penn Avenue as a facility for the Community Intensive Supervision Project; on property zoned "R3" Multiple Family Residence District, 10th Ward.

Which were read and referred to the Committee on Planning, Zoning & Land Use.

MR. UDIN PRESENTED:

No. 955 Resolution providing for the issuance of a \$5,100.00 warrant in favor of Michael & Laura Barry, 1509 Belasco Avenue, Pittsburgh, PA 15216 in settlement of a claim in which claimant's property was damaged due to erosion from water run off due to a City storm drain.

Which was read and referred to the Committee on Finance and Budget.

The Chair:

Is there any unfinished business to come in front of Council?

UNFINISHED BUSINESS

Mr. Ferlo:

Mr. President, I would like to ask that you help establish a meeting with the Solicitor regarding a legal action that the Penguins' attorneys have taken I feel obviously inappropriately against me and colleagues and Council's legislative body. Attempting basically to silence City Council, deny us our right to speak legislatively and in an open legislative forum about the economic and social impact of the Penguins stealing our amusement tax money, Mr. Maroni in particular.

The Chair:

I will do that as soon as possible. I believe they're going to court.

Mr. Ferlo:

I believe it is the 13th. I also would like to know if it is a public meeting in federal court if I can extend an invitation to people from the listening audience to attend that federal courtroom hearing. I think it would be a lesson in civics for them to attend.

The Chair:

Let's hope we can convince them other wise before that. I will do that

meeting either this afternoon or tomorrow morning. I think it's important that we do it fast.

Mr. Ferlo:

Just for the record, Mr. President, I know I read their complaint and it's filled with newspaper articles. I always thought newspaper articles were considered hearsay in the court of law, but I am not an attorney. Since I am not an attorney, I do have to honestly admit, I did not actually know that we are not allowed to -- that there is an automatic stay and somehow that also covers tax trust fund money. I don't know if that's the case or not.

But the whole complaint is filled with the presumption that we are a creditor, as much as the soda pop vender. I still dispute that and whether or not that is the case or not I still think it remains to be seen. I look forward to a court hearing. I would like to know if the public is allowed to attend that court hearing if you can find that out?

The Chair:

We will convene a meeting with our Solicitor as soon as possible.

Mr. Ferlo:

If we are able to attend, I would like to encourage my supporters and residents in the city to attend that federal bankruptcy court hearing. It would be a lot more fun than watching the Penguins play actually. I won't charge amusement tax.

The Chair:

Hearing from the general public you have a lot of supporters.

Mr. Ferlo:

If I did charge it, I would pay it within 30 days.

The Chair:

Anything else under unfinished business?

We will move to reports of committee.

REPORTS OF COMMITTEES

MR. UDIN PRESENTED:

Bill No. 956:

Report of the Committee on Finance and Budget for November 4, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 900:

Resolution transferring the amount of \$5,200 from Sub Class: 010, Salaries, City Council, Account: 511000, Org: 101100, Fund: 1000, Budget Year: 1998 to Sub Class 150, Miscellaneous Services, City Council, Account: 526125, Org: 101100, Fund: 1000, Budget Year: 1998.
(SPONSORED BY MS. MCDONALD)

Which was read.

Also,

Bill No. 903:

Resolution authorizing the Mayor and the Director of Finance, on behalf of the City of Pittsburgh, to grant a license to Pittsburgh Economic and Development Corporation, a non-profit corporation.

Which was read.

Also,

Bill No. 904:

Resolution authorizing the Mayor and the Director of Finance, on behalf of the City of Pittsburgh, to transfer its rights, title and interest for certain jointly owned property in the 19th Ward, City of Pittsburgh, designated as Block 61-C, part of Lot 125, to the School District of Pittsburgh in connection with the Pioneer Elementary School Access Drive.

Which was read.

Also,

Bill No. 905:

Resolution authorizing the City of Pittsburgh to issue a quit claim deed for property in the 19th Ward of the City of Pittsburgh, designated as Block 1 P, part of Lot 400, to the Port Authority of Allegheny County for the sum of \$200.00 and further to authorize a temporary construction easement surrounding said Block 1 P, part of Lot 400 and Block 1 P, part of Lot 61 for the sum of \$330.00.

Which was read.

Also,

Bill No. 906:

Resolution authorizing the City of Pittsburgh to issue a quit claim deed for property in the 19th Ward of the City of Pittsburgh, designated as Block 5 S, part of Lot 97, to the Port Authority of Allegheny County for the sum of \$610.00 and further to authorize two (2) temporary construction easements for the sum of \$1,410.00 and a permanent underground conduit easement for \$375.00. (Council District 2).

Which was read.

Also,

Bill No. 907:

Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984, having been placed for sale to adjoining property owners in conjunction with the City of Pittsburgh/City Source Associates Sideyard Program.

(A) 7306 Everton Street, 12th Ward, Block 173P, Lot 152, being sold to David E. Gaines. Vacant lot containing an area of 2,375 sq. ft., \$100.00. Intended Use: additional yard space. Council District 9.

(B) 4728 ½ Chatsworth Avenue, 15th Ward, Block 56-B, Lot 298, being sold to William LeSesne, Jr. Vacant lot containing an area of 5,125 sq. ft., \$100.00. Intended Use: Additional yard space. Council District 5.

(C) 2621 - 2623 McCord Street, 16th Ward, Block 12-S, Lots 223 & 224, being sold to Christopher T. Serra. Two vacant lots containing a combined area of 4,202 sq. ft., \$200.00. Intended Use: Additional yard space. Council District 3.

(D) 708 Beltzhoover Avenue, 18th Ward, Block 14J, Lot 169 being sold to Tony R. Rice, Sr. Vacant lot containing an area of 2,553 sq. ft., \$100.00. Intended Use: Additional yard space. Council District 3.

(E) 248 Sebring Avenue, 19th Ward, Block 34A, Lot 172, being sold to Richard T. & Connie M. Plungin. Vacant lot containing an area of 3,000 sq. ft. Intended Use: Additional yard space. Council District 4.

(F) 10 Edenvale Street, 25th Ward, Block 23D, Lot 107, being sold to Theodore Yannotti. Vacant lot containing an area of 2,990 sq. ft. Intended Use: Additional yard space. Council District 6.

(G) 111 & 115 Grasmere Street, 28th Ward, Block 39E, Lots 10 & 11, being sold to Michael & Helena Zelunka. Two vacant lots containing a combined area of 5,500 sq. ft. Intended Use: Additional yard space. Council District 2.

(H) 4 & 5 Loma Way, 30th Ward, Block 33B, Lots 184 & 185, being sold to Ray & Joyce Bigos. Two vacant lots containing a combined area of 1,158 sq. ft. Intended Use: Additional yard space. Council District 3.

Which was read.

Also,

Bill No. 908:

Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

(A) 7148 Lemington Avenue, 12th Ward, Block 173K, Lot 108, being sold to Jean Wood & Herbert Savage. 2 sty. brk. ven. house situated on a lot containing 2,651 sq. ft. \$2,000.00. Intended Use: Personal Residence. Council District 9.

(B) 1634 Lincoln Avenue, 12th Ward, Block 173B, Lot 111, being sold to Obert W. & Dorothy Griffin. 2 story aluminum siding house and double garage situated on a lot containing 3,500 sq. ft., \$1,000.00. Intended Use: Demolish structure and use lot for additional yard space. Council District 9.

(C) 519 Lowell Street, 12th Ward, Block 124P, Lot 207, being sold to Alex W. & Willie Mae Hornezes. 2 story frame house situated on a lot containing 1,958 sq. ft., \$4,000.00. Intended Use: Personal Residence. Council District 9.

(D) 621 Thompson Street, 12th Ward Block 124K, Lot 118, being sold to Lavel M. Claytor. 2.5 sty. stone hse. & 2 car. c. b. gar. Situated on a lot containing 2,475 sq. ft., \$6,500.00. Intended Use: Personal Residence. Council District 9.

(E) 7228 Somerset Street, 12th Ward, Block 173F, Lot 334, being sold to Carolyn C. Graham. 2 sty. brk. fra. hse. Situated on a lot containing 2,500 sq. ft.,

\$1,500.00. Intended Use: Rental Unit.
Council District 9.

(F) 7145-7147 Frankstown
Avenue, 13th Ward, Block 174E, Lot 343,
being sold to Geter Sloan. 3 sty. brk. apt.
& sto., 1 sty. dble. Sto. rm. situated on a
lot containing 9,000 sq. ft., \$1,500.00.
Intended Use: Store, Day Care Center,
etc. Council District 9.

(G) 1810 Chateau Street, 21st
Ward, Block 22E, Lot 241, being sold to
Geter Sloan. 2.5 sty. brk. hse. situated on
a lot containing 1,100 sq. ft. \$1,000.00.
Intended Use: Rental Unit Council
District 6.

(H) 960 & 961 Girder Street,
31st Ward, Block 91F, Lots 80 ^ 86, being
sold to John A. & Marta C. Gartha. Two
(2) vacant lots containing a combined area
of 17,748 sq. ft., \$1,000.00. (Council
District 5).

(I) 407 W. Elizabeth Street,
15th Ward, Block 56-N-194, being sold to
Gary P. Morgan. Two story brick house
situated on a lot containing 1,278 sq. ft.,
\$2,500.00. (Council District 5).

Which was read.

The Chair:

You have heard the reading and
title of the bills, any discussion on the
bills?

Bills are now ready for final action.
All those in favor of the passage of the
bills vote aye when your names are called;
all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken
agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES **Nine** **NOES** **None**

Bills have received the legally
required number of votes and have passed
finally.

MR. DIVEN PRESENTED:

No. 957:

Report of the Committee on Public Safety
Services for November 4, 1998
transmitting one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 791:

Resolution guidelines to effectuate
warrantless arrests for public drunkenness.
(SPONSORED BY MR. ONORATO).

Which was read.

The Chair:

You have heard the reading and
title of the bills, is there any discussion on
the bills?

Mr. Onorato:

Mr. President, there is an amendment in front of everyone. If the Clerk can give the President a copy of the amendment, I think he needs one. What this is, the amendment in front of us is from the Law Department it is just some clean up from the discussion last week. They went through it after our discussion and actually took out three repetitive clauses.

If you look at the amendment you go to definition three, the Solicitor deletes the definitions. If you look at the two definitions they are repeated again in the following section.

Under procedures for effectuating a warrantless arrest related to public drunkenness. You notice the Pennsylvania statutes are quoted the exact same way as they were in the definition. So the Solicitor recommended that instead of being repetitive, to clean up the code and you only have to mention it once. You don't have to do it twice.

Same with the next section which now becomes section three since we deleted the definitions. The second sentence was also deleted. Once again it was repetitive making reference to 8902 Section and Section 5505, which were stated in the previous sentence. So instead of being repetitive, the Solicitor said you can strike that sentence out also.

Then if you look at the other items that are being deleted she recommends that you just merge what use to be section 4.2 and four point three because it was being repetitive. I will give you an example. If you look at 4.3, that is the old 4.3, it is now moved up to new 3.21, so she just merged everything and took out anything

that was repetitive in the ordinance. So that's all that does here. Anything you see stricken from the bill just means it was in there twice, and it is just in there once now. That's all that's being done here.

Ms. McDonald:

I want to thank the Solicitor for her opinions as to some of the questions that were raised in the Standing Committee Meeting last week. One that I had raised was how it impacted Act 33, 34 clearance, the classification of a summary offense? How that figures in on your records? It seems that legally that there would not be a problem with getting Act 33, 34 clearance with a summary offense, with a subsequent, arrest record for public drunkenness. I am appreciative of the other opinions that have been given to us in terms of definitions of imperial, endanger, etceteras.

So, I like the way that the legislation has been cleaned up. Again I agree with Councilman Onorato that if we have through state legislative measures obtained this ability to have warrantless arrests that if we need the guidelines we are going to have the guidelines. I don't like them, but I would just again reiterate that I would hope that our Public Safety officials, our police officers would use discretion and would use common sense in dealing with public drunkenness.

It also really does make for an argument for the necessity of COP officers being out there more often since they get to know the community including the public drunks. They would be able to in a more positive way deal with public drunkenness especially if it deals with community members that it is an ongoing

problem, they may be able to help them better. If we need guidelines I will go ahead with these guidelines today.

Mr. Udin:

Yes, thank you. I would like to finally urge colleagues to vote no on this legislation. I think it is obvious from the legislation as well as from the testimony of the Assistant Chief at last Wednesday's Standing Committees Meeting. The way this bill is being interpreted and is likely to be implemented is as a bill that will help deal with only public drunkenness and the inconvenience and the blemished image that it represents. It will not be a bill that will only be applied to people who represent an endangerment to themselves or endangerment to property. But rather, as an excuse for us to be able to arrest people only for public drunkenness even though the bill requires that the officer be able to see conduct that endangers one's self, other people or private property.

When we look at the current legislation or laws that are available to police officers for disorderly conduct; for example, in all of the examples that the Solicitor provided that any behavior that could have been presented the individual could have been cited for disorderly conduct. So this legislation is unnecessary except that we don't have a way right now of arresting for public drunkenness. We are using this legislation as a disguise for being able to arrest people just because they're drunk.

The legislation lacks any referral to treatment or to a hospital. It simply criminalizes public drunkenness. I think that the absence of such resolution that would actually resolve the problem rather

than just arrest the problem is what makes this legislation not ready for passage. It needs to have a referral to treatment or to a hospital. It needs to distinguish itself from disorderly conduct. Other wise, I think that we will just be arresting people for public drunkenness, which helps us to avoid where our real responsibility and providing real treatment and prevention for people who have a health addiction to alcoholism. Rather than throwing them in jail, we would need to solve the problem by providing adequate treatment.

So I encourage colleagues to look more deeply at this legislation and what it is that we are doing. We're criminalizing a disease and I think it would be a drastic mistake.

Mr. Ferlo:

Thank you, Mr. President. I abstained last week on this bill. I have been in office for ten years now; I don't usually abstain on anything. I am usually pretty clear on how I feel about an issue. But unfortunately even given the final discussion and action today I am going to have to respectfully abstain on this bill. Only because I think there needs to be some more public discussion and legislative discussion on what the bill proposes to do? What its impact would be? And, actually how the ordinance will actually manifest itself and be enforced by the Police Bureau?

There is not an effective date of the ordinance so I assume technically it would become law when we sign it. I realize that there were statements made and I would only ask or suggest that one of my reasons for abstention is it doesn't basically state that the ordinance would not become

effective until there is proper police training, for one. Secondly, that there would be a formal police chief protocol or guideline, which is basically the bible that's written by the Chief directing the officers to conduct themselves relative to the enforcement of this ordinance.

I have those two reservations on a practical level with this ordinance. Secondly in all of this, we have been out in the adult world; we see situations involving the issues here. I have a little different view than Councilman Udin. I am not necessarily saying that it is bad that someone is arrested for public drunkenness. It may take that arrest in order for someone to recognize that they have a problem and hopefully seek some treatment.

The problem I have with this bill and I am going back to my tenure on Council and looking at prior administrations in the past as I stated at the Standing Committees Meeting. We had always worked with the Police Bureau and had helped to fund the Salvation Army Inebriant Program. The history was that officers were finding that it just didn't make any sense to bring loads of people and arresting them and bringing them down into the quote drunk tank without ever seeing any change. So the system changed over the years and there was a networking and partnering with agencies such as the Salvation Army in order to try to get people some help and assistance.

As I look at what I think the problem is out in the community in the 5 or 10 percent of the cases, that there is public drunkenness by an individual or group of individuals. I have got to believe that there is any number of other local

laws that would involve the ability of the officer to make an arrest. Because basically to the extent that there is alcohol abuse and going by your two standards under the influence of alcohol or engaged in conduct that imperials you to personal or public or private property, I would sense that at least ten percent of the cases that I can think of where someone is in that category, really the officer needs to charge them with trespassing or disorderly conduct or any number of other local ordinances that all of which enable the officer to make an arrest.

There is that other broad more general category that of people for whatever reason including people that are homeless or in doorways who may appear or actually are alcoholics or drunk or some cases appears to be drunk. I know for a fact that there are many people out there in the downtown area and Oakland that are homeless or that are panhandling that are on prescription pharmaceuticals and I would think that to some extent they would appear to be drunk. I have spoken to some of these people myself. I have done social work in the past and people slur words they have the appearance of being drunk but in fact they're on some prescription drug or some of them aren't even on a prescription drug. So I am just concerned about how this is going to be implemented by the police and who we are actually attempting to deal with.

If the problem is the drunk that comes out of -- I don't want to mention any bars, the drunk that comes out of any bar in any one of our neighborhoods and is abusive to property, personal neighbors what have you, public urination whatever, I don't understand why the COP officer or anyone else can't make a qualified arrest

on any number of local codes of ordinances that qualify for an arrest. I am worried about how this is going to be implemented and enforced and in the larger percentage of cases where it's not clear that anybody is doing anything harmful at least to property and the like. But in the event, may in any event be arrested under this ordinance. I am not saying that is what is going to happen, and obviously I don't believe that Council's intent in the original introduction I think this was introduced because of the one case about the six pack going into Point State Park.

In any event if it proceeds today, I have those reservations and I am going to have to respectfully abstain today.

Mr. Hertzberg:

Thank you I am voting yes. I am in full support of this legislation, these guidelines. I think part of the tendency of people to question this and why we are doing this is kind of general mistrust of the police. If you generally mistrust all police or the majority of police then I suppose you're going to go vote no for this. And, you believe that any additional authority that our police have is authority that can be abused, and I guess you vote no.

But I think the fact of the matter is if there are police that abuse authority they don't need this guideline to do it. We have bad police; they're going to find ways to abuse the laws no matter what, whether we pass this or whether we don't pass this. So I don't think that has anything to do with it or whether you are giving our police a little more power, I think we have to look at where the police are without this thing.

Right now, if police officers see someone that is completely intoxicated, appears they're going to hurt themselves by falling over potentially if they continue to try to walk or they can pump into other people, right now our officers can only do one thing. That's issue that person a citation. Unless that person says well I voluntarily go with you to a treatment program. I think our officers take a great risk when they say that some one volunteered when they don't have the authority to do that. I don't think they want to take that risk either. In fact, they might not want to do this either. Given the present climate with the police.

But right now they have no ability to take someone into custody and prevent them from injuring themselves or injuring someone else. I think there is some confusion here on what disorderly conduct is and isn't. We have to remember there are two levels of disorderly conduct. There is a misdemeanor disorderly conduct, under which our police would have arrest powers. That's a higher level. I think this public drunkenness in a lot of cases also falls within the summary offense of disorderly conduct. But again, it is the summaries that our police don't have any arrest powers what so ever. We pass this; they will have the arrest powers when there is public drunkenness and disorderly conduct.

I would like to have my comments brought forward from last week as well. Thank you.

(See Addendum for Comments on Bill 791)

Ms. McDonald:

Yes. Again I want to say this. My concern has been making sure people seek help or get the help they need. Unfortunately for and knowing people who have some serious alcohol problems that have been raised in communities where there is alcoholics, they typically do not get the help. Sometimes it may take an arrest and it may take an adjudication or judge to be able to mandate that that person gets some help. Some people have to be forced into getting help. Unfortunately for some this may be the case. Where this is the way they will get the help that they need is for a judge to mandate that they get the help.

Another thing is as far as would I rather be arrested for summary offense or disorderly conduct, which is a misdemeanor, give me a summary offense. I have been thinking about I don't really like what I see here. But unfortunately if there are going to be guidelines, then I have to really think in my mind is this going to be fair? In truth I would rather an officer if a person is drunk and causing a lot of problems, right now the only thing they have within their hands is disorderly conduct or some type of misdemeanor offense. That goes on your record with much more severity than a summary offense. I would rather them be able to arrest for a lesser charge of summary offense when it is indeed evident and prevalent that they're being disorderly because they're drunk. So I would rather them arrest for a summary offense for being drunk than to have to resort to the more severe offenses such as disorderly conduct or other misdemeanor offenses.

In response to Councilman Ferlo he brings up an excellent point, and it's a point that had to be made on the curfew

legislation. I would ask my colleagues and Councilman Ferlo because you had mentioned this, I would rather if you are going to offer a friendly amendment, it's nothing in writing but in sync with what we did with the curfew legislation. It was very clear this legislation could not be enacted until police officers were trained and until a curfew center had been put up, well it is the same thing here. We don't have administrative guidelines before us that would be written by the chief of police. I would like for this legislation not to be in effect until there is adequate training, and the chief has signed off that our officers have been trained with how to enforce this ordinance. So I would ask if there is a friendly amendment, if the sponsor would be receptive to that.

The last thing I have is the Breathalyzer, the arrest for drunkenness but you are not sure. Until you have some type of chemical test, I am curious about our liability as a municipality for arresting without following up with the Breathalyzer? Assuming that our Solicitor did not put that in there. She is very thorough with this and because we're getting sued all the time, so I am sure she is very cognoscente of wanting not to get sued. But maybe this would be put into the administrative guidelines. But the Breathalyzer is an issue to protect ourselves.

Mr. Udin:

I was going to let my earlier comments be sufficient to voice my position until Dr. Hertzberg psycho-analyzed me as having mistrust in the police.

Let me take an opportunity to

clarify that my position has nothing at all to do with mistrust of police. It has to do with the testimony of the Assistant Police Chief who was at the table last Wednesday and the way I interpreted what he said as to how it be would be used. The way I heard it, it would primarily allow officers to arrest for public drunkenness and that is what I heard. That is the way I thought that it would be implemented and that is what I was reacting to.

Secondly, I have a question and I hope that the sponsor will include this in his closing remarks. The questions that Councilwoman McDonald raised as to at what point will a factual determination be made as to whether or not, what the police officer thought was alcohol intoxication, whether or not it was in fact alcohol intoxication? Was it intoxication by some other drug other than alcohol? Was it mental illness of some kind or some other physical impairment that made it appear to be intoxication when in fact it was not? Is there going to be a factor determination of alcohol intoxication at some point in this process?

Secondly, I had asked the Solicitor for a conduct protocol to guide police officers as to when they should effect an arrest. What we received were some examples and some scenarios but that's not sufficient for a specific protocol by which you would train officers. I agree with the need to make the affective date of this after those protocols have been clarified and we have had an opportunity for sufficient training.

Mr. Diven:

I am going to support this legislation because I think if we don't

support it, we are not being responsible in providing the tools that our police department need. We are one of the only municipalities in the state that doesn't have this power of arrest for public drunkenness.

I think one of the concerns that I have seen in talking with officers is they feel like they're not going to get the support or they're not going to have the ability to make sure that they can do their job effectively. I think passing this legislation today sends a clear message that we do support the work that they're doing. We are going to work with them to provide them with the tools necessary to continue to do a good job.

So with that in mind, I am going to support this legislation. I think it's a great step for trying to work to improve the morale of the individual police officers as well.

The Chair:

Actually I have been co-working I guess with Mr. Onorato on something similar. We have a meeting I think Tuesday or Wednesday with the Solicitor to follow up with disorderly conduct. So this is all going to be a package. Unfortunately, maybe it would have been better presented together. But irregardless, from what I have heard and I have seen first hand and this is a request actually from police officers who again maybe a person who did not take their medication and was acting very much out of order, could hurt themselves or someone else. Taking that person off the street and finding out where they belong, should they be in a hospital? Why didn't they get their medication? All those things, whether it

be as simple as that or alcoholic, someone who has an alcoholic problem and we get them to Saint Francis and they start getting treatments, or if it is their second or third time they're picked up and we are trying to help that person. I think the belief of most police offices if we are going to help somebody, helping somebody whether it be medication or too much to drink, writing them a citation is not the answer.

In my neighborhood I was solicited in my own home from someone asking to make a donation to SIDS, which I am on the board of. She had all the brochures from SIDS. I talked to her and she had me half-believing, I almost was ready to give her a donation. I found out from SIDS, she had been doing this in different neighborhoods. One week later she was at my neighbors house and she called me, the neighbor kept the person there, we called the police, the police came.

This person was a 40 year old and she was very professional about how she was soliciting homes, had no ID. So the police officer said well what are we going to do? She doesn't have any ID, we can't arrest her. We can't take her downtown, so we just have to let her go. I didn't want that person to be locked up for 20 years. But I did want that person to be off the streets and not soliciting on my charity and other charities if they can just pick up the brochures.

You cannot take a person -- they had to call the supervisor and talked to the person this is what happened, I was there, Jim. It was a summary offense. They did not know who to write the -- she could say my name is Mary Jane Doe, and they write her a ticket. These are some of the things, the loopholes in the laws, I think this is

going to address. Again, if a police officer is going to abuse it yes we are taking a chance.

Mr. Ferlo:

Just on that point, because this is an example of what I was talking about earlier why aren't other ordinances and statutes utilized. In that case, that is theft.

We had a similar situation in Bloomfield. I am sure Councilman Cohen will remember it. Where somebody was out, they reprinted a letterhead from a local community group, and was out door knocking raising money. It is illegal, it's theft and that person was arrested.

You might have had a rookie cop, but the fact of the matter is, there are a number of laws that that person broke then there should have been some appropriate action.

The Chair:

I asked the supervisor to come down and finally they took her downtown only because I was there. Again, I didn't want the person -- I don't even care if they had a record I just want them to stop doing what they were doing. I was told especially from the drunk and the disorderly, the police officer has no power to arrest a person.

Again, if the police take it the wrong way, then they are abusing the power. We are not talking about somebody walks out and has a few beers and is just staggering a little bit. We are talking about somebody who is maybe going to drive their car when they shouldn't, maybe is knocking people over,

maybe swearing too much. Really disorderly conduct in those things are going along with this.

So that is why I am supporting it and working with Councilman Onorato too I think better it and maybe add onto it. We are giving the police the power to maybe take the wrong person off the street. Even if it is temporary. I agree with Mr. Udin and Ms. McDonald and we can do this like we did the Curfew, have people in line to help these people who need help. And it should be a simple phone call, whether it be the Salvation Army, whether it be Saint Francis, whatever, is there, let's make it part of it.

Any other discussion?

Mr. Udin:

Just before the last comment, I just had a message to the professionals in alcoholism and addiction treatment in this community. I think it's unfortunate that they were not present and have not made themselves heard on this issue. I think that it's part of their responsibility it is not just soliciting funds and treating people. But they have to stay on top of policy with regard to the people that they treat. They are the professionals, we look for them for their guidance. They have not been heard from in this matter, I think that's unfortunate.

Mr. Onorato:

I just want to address some of the concerns, and believe me, I think they are all legitimate concerns. I thought about them and I want to make it very clear again for the record this is a bill that has been in the Law Department over three

months. The Solicitor's Office has been investigating it. All the municipalities that have this right now, which is almost everyone except us, and looking at the current case log -- But in addition to the criticism and I would say the initial criticism is justified until you really step back a second and look at the facts. This bill does not contain anything about rehab and services, that is true.

But I think Council has to remember though, every budget season the nine of us have historically and consistently put funding in the budget for social programs. Even when the Mayor's budget came over where it was gutted, it was the nine of us that put the money back. If it was for homeless services, if it was for homeless shelters, transitional housing, it may have been a different person taking the lead. But the nine of us voted to put it back in as a package because we recognize that you can't just have a punishment side of things, you have to be able to reach out and provide some types of services.

I think Council has been very, very front and putting money into these types of organizations. There are a lot of professional groups out there that do get funding from City Council and it originates in Council. As I mentioned earlier, sometimes they are zeroed out and we put them back in. We pretty much established a core group of social services that the nine of us support every year as a base to get started in the budget, and then we pick and choose if we should add any additional ones. So, we do have plenty of money allocated to groups that service these types of individuals who might need some help.

As to the factual situations, this is no different than any other law that we have on the books that the police have to make a judgment call. We are hoping and crossing our fingers that the training they receive, the professional training, is something that they will learn. There has been constant updating of the training at the police academy. Both through some bills that Councilwoman McDonald put through, but also through the Consent Decree and just through the Chief in his own points of view of what should be done at the training academy. I am sure like with all bills in all code sections, this will now be part of the training session if it is adopted today, and put into law that officers will have to deal with this through their constant training that everyone has been talking about. But this is no different than anything else.

I just want to remind my colleagues, once again, this is a bill that 99% of all municipalities have. We are just coming into compliance with what the state law told us we had to do and that is establish regulations other municipalities have. So, while I understand the initial fear from certain individuals, I believe there is a lot of balancing going on here when you really look at the picture of what we do fund and the check and balance we have on the police department. Plus, letting them do their job and in addition providing services for individuals that might have a drug or alcoholic problem.

Mr. Udin:

Just as a point of clarification. If I could address at what point will the factual determination be made of alcohol intoxication?

Mr. Onorato:

Once again, that would be up to the police department. I don't run the police department. These are the regs that came out of the Law Department and working in the Law Department, working with the Police Department, it will be a judgment call on the Police Department. We will ask the Chief to respond in writing as to when they will make the factual determination. From the way I read the bill and the regs that came up from the Law Department, that an officer is going to make a judgment call based on what he sees and views.

My guess is that if someone is arrested and it is determined that they're not drunk and they do not have any alcohol in their system, I am sure that they will find a hungry attorney out there that will want to sue us to keep us in line. That's been done in the past and that's why we have professional training going on so we don't have these lawsuits coming at us.

The Chair:

As a friendly amendment maybe I can verbally do it. Would you agree that before it's signed into law, part of the training would identify even for the officers or whether they be in the station or on the street that they would have people identify on where this person can go to get help? Whether it be an alcohol problem or

Mr. Onorato:

I don't mind supporting the issue that I am sure the officers will be trained to enforce this law.

The Chair:

I would like to see that part of the training before it's finalized.

Mr. Onorato:

I don't know if I want to support the issue of having to give recommendations of where to go for help. That's going too far. I think we would all agree officers should be trained on how to enforce our law. I will stop there. But I can't support having them make recommendations where to go.

The Chair:

On that bill I won't hold it but I may give the police a test and I may do something in the future for this. Do our police know who to call if there is an abuse problem? There is a fine line. They are holding court in some cases whether to pursue something or not. A lot of times whether it be kids need help, all the things we say we take for granted maybe our officers don't know who at least to recommend to outside of this case.

Mr. Ferlo:

I would like to make two suggestions. One is on our concern, which is also expressed by a number of colleagues. I think as a follow up to this maybe after the budget proceedings we should talk with some of the agencies. Some of who were not necessarily aware to come to the table last week. Maybe we can just engage them in a discussion along with the county jail how will this actually be implemented? How will it work? We have a number of social service agencies that appear in court, folks who work with

domestic abuse, maybe there some networking that needs to go on.

I don't think it has, I would like to see that discussion happen at some point. But as a friendly amendment, I wanted to ask Mr. Onorato if he would necessarily disagree if we were to add language in terms of the effective date? The suggestion would be that the effective date of the ordinance would be upon declaration of the Chief of Police that appropriate officer training, guidelines and departmental protocol have been established. I would like to know if he would accept that.

MS. MCDONALD moved to adopt.

Mr. Onorato:

What do you mean by guidelines? These are guidelines here. What are you referring to?

Mr. Ferlo:

Well the Chief, Commander Chief Mullin he implied that there would be these written guidelines, protocol to the officers about this ordinance.

Mr. Onorato:

After it passes you mean? That's fine. He said he would --

Mr. Ferlo:

I am asking that the effective date of the ordinance will be upon declaration by the Chief of Police, that appropriate officer training guidelines and departmental protocol have been established.

Mr. Onorato:

Since the Assistant Chief said that is what they do with all laws, I have no problem with that. They have to do that anyway.

MS. MCDONALD moved to adopt.

Mr. Onorato:

As a point procedure, I will take that as a friendly amendment, added to my amendment. My amendment is still on the floor. So, we have to vote on my amendment.

The Chair:

Any more discussion on the amendment?

Mr. Onorato:

I started the discussion by showing how we deleted duplicated sections. That amendment is on the floor.

MS. MCDONALD moved to adopt.

MR. ONORATO seconded the motion.

Which motion prevailed. (Mr. Udin voted no.)

Mr. Onorato:

I will make a motion to waive the rules not having it in writing and have Councilman Ferlo's suggestion that this bill will be effected upon the implementation of the proper training and procedures internally by the Police Department and the Chief of Police.

MS. MCDONALD moved to adopt.

MR. FERLO seconded the motion.

Which motion prevailed. (Mr. Udin voted no.)

Ms. McDonald:

Also, I want to point out that after the Chief writes the administrative guidelines in response to the Breathalyzer, social services intervention, etc, if in deed what this Council body or any individual council member doesn't like and feels that there needs to be, that this legislation needs to be strengthened or modified it doesn't preclude any of us from bringing this ordinance back to the table for amending like we normally do. Thank you.

The Chair:

Bills are now ready for final action. All in favor of the passage of the bills vote aye when names are called; all opposed vote no.

Clerk, please call roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Hertzberg	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
	Mr. O'Connor
	(Pres't)

(Mr. Ferlo abstained and Mr. Udin voted no.)

Bills have received the legally required number of votes and have passed finally.

The Chair:

I would like to recognize the students from the University of Pittsburgh School of Journalism. I guess you are getting a lot to write about today. Thanks for coming down.

MR. FERLO PRESENTED:

Bill No. 958:

Report of the Committee on Engineering and Construction for November 4, 1998, transmitting one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 935:

Resolution providing for an Agreement or Agreements or use of existing Agreements and/or a Contract or Contracts or use of existing Contracts for design and construction of improvements to various Overlooks including, but not limited to the West End Overlook; at a cost not to exceed \$225,000.00.

Which was read.

The Chair:

You have heard the reading and title of the bills, is there any discussion on the bills?

Mr. Hertzberg:

Thank you, Mr. President. First my comments from last week's meeting brought forward.

I am not going to go at length on this as we did discuss it last week. But just to say that West End Elliott Overlook is probably the best view there is in city but it is probably the least known view.

Hopefully we are taking the first step today by passing this resolution making it a nicer area and one which will become much better known. That is what the local community is looking for. They are hoping that there will be some economic development in the area as a result of an increase in tourism that we feel we can generate, by making this a better facility over all.

(See Addendum for comments on Bill 935)

Mr. Ferlo:

I want to thank Councilman Hertzberg for his leadership and diligence in trying to get this off of the capital budget wish list, which it has been on for many, many years and into some reality. I want to thank Director Reginella and his staff for I know they do a great job along with any architecture consultants that the department might employ. But again, I go back to my earlier comments about this Overlook, the West End Elliott Overlook. But also even the Mount Washington Overlook. I believe strongly that the foundation and the corporate community could and should be approached to assist what the redevelopment, the modernization, the renovation, the beautification of, however, you want to term it both of these areas which could be

the equivalent of our own City of Pittsburgh Niagara Falls.

I think everybody here as an elected official, I think anyone out in the listening audience, not just city residents, but elsewhere will take travelers and visitors to our city up to Mount Washington, up to the West End Overlook. I have been doing that for many, many years, West End Elliot Overlook. Let's remember the Elliott part as Councilman Hertzberg stated. I think he amended the bill appropriately to include that.

But I don't understand if we had a Park's Director, we could get somebody who could go out and use this as an opportunity to raise some money. There are any number of corporations, I believe, that if approached would love to have their name on a bronze plaque. I don't think we should have glitzy lighting by these corporations or by Coca-Cola but I think there is an appropriate way for corporations and the foundation community to trust the community in the banking sector any number of ways. If we could just spend a little time, use a little creativity, use a little effort on our part, we should try to raise some money so that this can be done in a good way.

I got to believe and I know in my heart that that sector out there would like to contribute to the beautification of these two important overlooks. So since we don't have a Parks Director, I would ask that the administration please address this issue because by the time we do that, having bricks and mortar the engineering a lot of money is going to get eaten up with consultants on how to do this. If we want to do it nice with the appropriate

ornamental railing, and whatever is involved, it would be nice to have decorative historical lighting along the corridor, appropriate receptacles, brick work, you name it.

I would ask that we make this a bigger effort in approach including the RAD Board. Let the RAD Board recognize the public park amenity. All the four regional parks are not south and west of the city. This is an overlook that doesn't just involve city residents, I think people from all over the region go up to the Mount Washington, West End Elliott Corridor. I would ask that we use a little bit of extra effort here and approach that sector to really make this be a splash.

I know none of what I say will ever be listened to by any of the staff but I thought I would say it any way. I am talking about actually getting something done. Maybe if we put the Pirates and the Steelers up there a couple of portraits, maybe then someone will care about it.

Mr. Udin:

I look forward to supporting this bill to build up the West End Elliott Overlook. However, some constituents of mine have asked me to take issue and bring it to the attention of Mr. Hertzberg that there are other overlooks in this beautiful city that could certainly rival those of both Mount Washington and West End Elliott. I don't know how many of you have ever looked at the overlook at Cliffside and the view, that panoramic view that it represents, but there are many panoramic views of the three rivers and the hill sides throughout the city.

Perhaps if the idea that

Councilman Ferlo talks about the private underwriting of these overlooks could be implemented. We could see perhaps even have a contest on which is the most beautiful overlook of the city. But there are several and some of my constituents would like to challenge Councilman Hertzberg as to which is the most beautiful overlook.

Mr. Onorato:

I have got to chime in. North Side from Spring Hill and there are two neighborhoods called Cityview and Fineview and that name has a reason. It is a city view and it is a fine view. They have some of the best angles of the city too. Councilman Ferlo and I were just talking about Patoma (phonetic) Street which even before I was here I understand he was working on it.

But Councilman Udin does have a point here and that is we always talk about developing our riverfronts as the last untouched resource. The other resources that I think we don't utilize are our views. We utilize one view and everyone talks about Mount Washington. You have about 20 other views that are just as spectacular as Mount Washington's that if you build housing with these views it is unbelievable. You could probably sell them and be just as attractive as being along the river view on Washington's landing as having a view of the city too. I think it's something that we should explore as we move forward.

Mr. Ferlo:

Mr. O'Connor and Mr. President, sir, I am not giving up on this point. I will donate or raise the money, but mostly I

will donate. I will pledge the first decorative historic lighting lamp either at Mount Washington Overlook or at the West End Elliott Overlook so all you have to do is put up a little sign that says donated by Council District Seven, that would be great. You don't even have to have my name on it.

But I will donate the first decorative historic lamp. I challenge others in the corporate, the foundation, the trust community and the Parks Director who should donate it any ways because she makes that salary and doesn't work. There are any number of reasons why we can raise that money. I will put the first challenge out there, we will pretend this is WQED every night and we will donate that decorative lamp or some other appropriate esthetic amenity.

The Chair:

I think if we do any naming, you have already got the reservoir named after you. Now we can put his name on the first lamp.

Mr. Onorato:

I suggest that Councilman Ferlo and the Penguins jointly fund the overlook on the West End.

The Chair:

One nice thing, I do believe that with Councilman Hertzberg's initiative I am reading more and more in the paper about the West End Elliott Overlook. I think everyone brings up, Mr. Udin and Mr. Onorato, I can look at Greenfield, Hazelwood, all of the South Side Slopes but one thing is clear you already have the

infrastructure for this park.

I think we can send a message out to anyone that wants to buy a new home, build a new home, remodel an older home, that there are so many views, and reasonable prices. I think it is just waiting there for especially young people coming into this city want to live here and see this view. Anybody you talk to from outside the city or the state really sees maybe what we take for granted. So I think it has really been stimulating, and I want to congratulate, Mr. Hertzberg, on his work and there is a lot of work to be done there.

Mr. Hertzberg:

I am not going to debate which is the best view. I will just ask everyone when you see these post cards, when you see these portraits, when you see these photographs of light up night think of where it's being taken from. And, universally now if all of these PR people are wrong, then they're wrong but that's generally where the photographs are taken.

The Chair:

They are certainly not from Mount Lebanon and Fox Chapel we can agree on that right?

Mr. Hertzberg:

We can agree on that.

The Chair:

Bills are now ready for final action. All in favor of the passage of the bills vote aye when your names are called; all those opposed voted no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES Nine NOES None

Bills have received the legally required number of votes and are passed finally.

The Chair:

Under motions and resolutions.

MOTIONS AND RESOLUTIONS

I would want to comment that on Wednesday the Standing Committee Meeting will be tomorrow at ten o'clock, Tuesday. This Thursday at ten o'clock in Council Chambers we will have a cable cast Post Agenda called by Mr. Ferlo to discuss the Controllers Performance Audit on the Wayfinders Signage Program, that will be Thursday at ten o'clock.

Mr. Ferlo:

Yes very briefly under the motions and resolutions. Mr. President, this past few days I was engaged in activity in my Council District in the neighborhood of Lawrenceville, with Lawrenceville Block Watch Network regarding a slum piece of property. A crack house on Wayslayer

(phonetic) Way owned by an individual slum landlady who owns a number of problem properties.

I want to just correct something that was in the paper. There was a new reporter that came out from the Post Gazette, I thought he wrote a great article, characterizing what the problem was. There are a number of issues that were in the article that I want to take acceptance to at least one adjective he used in describing Lawrenceville; he used the word gritty. He probably meant that the particular house that he was visiting was gritty as opposed to the neighborhood.

I want to correct any misconception because one of the problems I am sure other colleagues have also, it is always a double edge sword when you attempt to bring the media out to put pressure on BBI to explain a predicament. I think I am speaking for myself as well as the Lawrenceville Block Watch Network, only to see Lawrenceville appear in the same crack house, we don't need to see that. That harsh reality is while I was not able to be at the ribbon cutting for the Lazarus partly because I don't think any of us was invited, I would rather have been out there with the Block Watch trying to tackle an issue.

But the neighborhood itself is not a gritty neighborhood and I want to correct any misconception or misimpression for that reporter and the public in general. In fact, I think to the credit of this City Council and the administration and previous administrations and a lot of hard work by Lawrenceville residents and the community groups that are present there, there have been significant changes and improvements to Lawrenceville as a

neighborhood and as a community.

When you see the neighborhood bar-none we have made great strides at the physical improvements especially in the business commercial corridor, with the Streetface success with that program, there are over 300 manufacturing commercial companies that exist in the Lawrenceville community and provide a lot of employment. Not only residents, but regional employment besides a fairly vibrant commercial corridor along the Penn and Butler Street neighborhood retail area. Most houses are not vacant. 99 percent of all the houses in the Lawrenceville Community are owned and occupied and or rented and they're quality homes. We have some beautiful streets bar-none in Lawrenceville community. We do have a couple of slum landlords and we do have several slum properties that are badly in need of proper inspection by BBI and possibly condemnation and demolition and know where is that more prevalent than in this crack house that you may have seen over the weekend.

So I just wanted to correct that point. Lawrenceville is a very beautiful neighborhood, has one of the most elegant cemeteries in the country, sixth oldest cemetery, a work of art architecturally when you look at all the different playgrounds and parks that have been improved. So, again, I just want to take exception to that word gritty, but I thought the reporter did a great job covering the problem as expressed by the Block Watch Network.

I want to thank the Post Gazette for coming out and trying to better educate the problem. But, in terms of BBI I want to make it clear. This individual slum

landlady even though I communicated to the department, as far as I am concerned fraudulently got a building permit at the panicle of demolition time. I think we need to seriously look at that issue even though I put the department on notice. There is no way this individual could fix that house up for \$1500. There is no toilet, there is no water. The day that I was there I had to call Duquesne Light Company out to disconnect the electrical lines that were all dangling and hanging wires in the first floor next to the exposed water pipes that were all live. The building is wide open.

All the reports from the inspector were peripheral reports to the exterior of the building; there were no internal reports. I would ask that the inspector go back out to the site since it is wide open and write a new report on the expensive and engineering problems associated with the renovation of this building, this house. It is a wood frame house from the 20's or the 30's, the floors are completely out of whack, out of joint, the building looks like it is going to fall any ways.

It is completely fraudulent for this slum landlady to suggest that she is going to fix up the house for \$1,500. Even if she has her own sweat equity carpenter, plumbing, electrical skills, the materials alone would be ten or fifteen thousand dollars easily, not to mention the major structural damage with the house.

I would ask BBI to go out there. As far as I am concerned they should pull that building permit it was fraudulently obtained. It is not going to happen we should move post haste to take this building down, this house. If it is not taken down in the meantime, we started a

citizen visual early in the morning noontime, early evening, and late evening. The neighborhood myself and others are going by to keep a monitor of this basically a visual of this crack house and we want it torn down.

If they aren't going to tear it down in the next couple of weeks, I can tell you right now the neighborhood is going to go there with myself and start tearing it down. Get a 30-yard container, from maybe BFI or chambers since I can't get a contract, they will maybe donate a 30-yard container and we can start disassembling the house. It is no problem. It's ready to fall any ways.

So I know the Chief gets roused, Chief Cimino always gets roused when he thinks you are saying something critical of his department, but I am being critical. So, we want that house down.

The Chair:

You can just tie a rope to that --

Mr. Ferlo:

I know that is not as fun as cutting the ribbons for Lazarus, but --

The Chair:

Again I did receive from the Mayor's Office a semi apology that they didn't handle that invitation. That is why we weren't notified about the Lazarus ribbon cutting.

Mr. Ferlo:

So, what can I say, the Mayor gets to cut ribbons, we get thrashed the ribbons.

Mr. Udin:

On a different matter.

I just want to remind colleagues that beginning next Monday Council Budget Hearings will start. Frequently in the past, Mr. President, only a few Council members are present at Budget Hearings. I would beg the indulgence of Council members to put these hearings high on their priority and in their scheduling so that they can be present at all of these Budgets Hearing. Give each department the adequate due diligence that they deserve.

We start next Monday with an overall view of the budget, and then following after Monday will be each of the departments coming in succession. So, I just want to repeat the importance of colleagues being present at all of the Budget Hearings. Thank you.

The Chair:

I certainly agree with that. Just following up with what Mr. Ferlo said and I am not picking on BBI, but I think this is our opportunity to look at the management problems we have had in the city and to address them at this budget.

Mr. Ferlo:

I appreciate Councilman Udin's comments, but I hope we are going to continue with the procedure we started where we chair our respective committees, as I am sure we will.

But I am not sitting there with Engineering and Construction going line item through line item about staff, salaries,

and how many pens and pencils. I can care less about that. We know what the budgeted figure is. I would rather talk substantially and substantively about all the different E & C projects and/or priorities for getting things in the city fixed or built or repaired and all of those kinds of things. So, I am more interested in that.

I don't want to sit there with the Park's Director and go through a litany of like this staff person did that, and this pencil gets ordered. I am not going to sit through meetings of that kind of procedure and process. I hope we are going to seriously talk about performance. I think there is a serious performance with some of the directors in this administration. I am actually considering introducing an ordinance to reaffirm Council's involvement.

I really think we should make directors three year appointments, just like our City Clerk and have those directors come back up for reevaluation and consideration by this Council. We have several directors that are MIA and not doing their job as far as I am concerned. I think that is shown.

I don't care for all the rhetoric today by the Mayor. The fact of the matter is a lot of work is not being done and the morale is bad in a lot of departments. I thought it was great today to hear that the Mayor's appreciation for all the workers. It would have been nice if he kept his word to give them a cost of living raise this year which he forgot about and that bill comes up tomorrow. So, I am all ready to talk about the budget, including the garbage tax.

The Chair:

Anything else?

Motion to approve the minutes?

MR.HERTZBERG moved to approve the minutes.

MS. MCDONALD seconded the motion.

Which motion prevailed.

The Chair:

Motion to adjourn the meeting?

MR.HERTZBERG moved to adjourn the meeting.

MS. MCDONALD seconded the motion.

And on the motion made by Mr. Hertzberg, the meeting adjourned.

ADDENDUM

Mr. Hertzberg's comments on Bill No. 791 and 935 can be found in the Standing Committee Meeting minutes of Wednesday, November 4, 1998.

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED THIRTIETH COUNCIL

BOB O'CONNOR.....President
LINDA M. JOHNSON-WASLER..... City Clerk
JOHN R. MASCIO.....Deputy City Clerk

Pittsburgh, PA
Tuesday, November 17, 1998

PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Diven	Mr. Ricciardi
Mr. Ferlo	Mr. Udin
Mr. Hertzberg	Mr. O'Connor
Ms. McDonald	(Pres't)

The Chair:

Will you all please rise for the pledge of allegiance and remain standing for a moment of silent prayer for peace and hope throughout the world.

We have a very special guest, Alyssa Brown. She is six years old in the first grade at Carmalt Elementary School. She is accompanied by her dad, Patrick, her mother, Kathy who is the stenographer for the City Clerk's Office, her

grandfather, Jim Brown, and her babysitter, Jane Cummings. She resides in Councilman Diven's District, District 4.

Alyssa Brown:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all.

The Chair:

We have a flag of our city and country for you.

We have many special guests this morning.

PRESENTATIONS

Mr. Diven:

I would like to call Mr. James Lamb and his guests from Northern Ireland and introduce you to some Council members and the Mayor of Colerain, Northern Ireland. We have a proclamation. These gentlemen are in town spending some time with the Ireland Institute. They wanted to come over and get the chance to meet some of us in the City of Pittsburgh's Council and set us straight on how they do it over in Ireland. With that I would like to read a proclamation and welcome our guests.

MR. DIVEN PRESENTS:

No. 959 WHEREAS, Colerain is the oldest known settlement in Ireland and has played a prominent role in Irish history and;

WHEREAS, Colerain's industrial make-up comprises a mix of companies from a diversity of sectors and a blend of home-grown businesses and inventors such as the United States, Portugal and Germany and;

WHEREAS, Colerain enjoys productivity levels that over recent years have been consistently higher than the rest of the United Kingdom and;

WHEREAS, Colerain is home to the headquarters of the University of Ulster, the largest university in the island of Ireland with four major campuses and over 20,000 students and;

WHEREAS, representatives of Northern Ireland's Colerain District Council are visiting the city of Pittsburgh to promote economic development between our city and Colerain and also to inform businesses of it's top-rated university research facility.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby welcome Mayor William McClure and the Colerain District Council to our great city and wishes them well in their efforts to promote Northern Ireland's potential as an investment location for U.S. companies.

MR. COHEN moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Diven:

With that, I would ask Mr. Lamb if he would want to introduce the guests and give them the opportunity to speak. Welcome to the City of Pittsburgh and we are glad you chose Pittsburgh.

Mr. Lamb:

Councilman Diven and President O'Connor, we really thank you for giving us the opportunity to come down here and visit today and all the counselors we appreciate your time as well.

As we welcome the District Council of Colerain not just the Mayor of the District Council but also two members of the new Northern Ireland assembly which many of you are very much aware of the historic events that have shaped 1998 in Northern Ireland. The newest assembly allows counselor David McCarty and Counselor John Darragh to be members of a new initiative in Northern Ireland to bring a stable peace and to develop a better economy.

So without any further ado, we want to thank you for giving us the chance to share some of these thoughts. At this time I would like to ask the Mayor of Colerain Jim McClure, William J. McClure, he goes by Jim to say a few words. Also, just to let you know who the folks are David McCarty, Counselor with the Ulster Unionist Party, John Darragh with the Social Democratic Labor Party, Barbara Dempsey with the Alliance Party, all members of the Council and Mayor Jim McClure of the Democratic Unionist Party. So, without any further ado, here is

Mayor Jim McClure.

Mayor McClure:

First of all I would just like to say it is a great privilege and pleasure to be here this morning. This is my first visit to the United States of America and we have been certainly very impressed indeed, especially here in Pittsburgh. We admire your grand city on the way the city is run. We certainly congratulate you on that.

As you realize that back home in Northern Ireland we are starting from what I would term a new beginning. We have had terrorism for something like 30 years, directs (inaudible) for 36 years and now we have elected our own government which will soon come into being when the people of Northern Ireland will have more say in running their affairs.

I could remind you this morning of the American Civil War when you said no taxes without representation. And during those 36 years we did pay tax but we hadn't the proper representation. So I am thankful now that a change has come.

We are a no party delegation from Corelain as Mr. Down has already told you. We have here David McCardy of the Ulster Unionist Party, we have John Delta of the FDLP and we have Barbara Dempsey of the Alliance, and myself from the Democratic Unionist Party. And we hope that this new beginning in Northern Ireland will mean we will go on from war and prosperity for our people.

We hope that time has now come when we will be able to turn our swords into (inaudible) and our spears into pruning clips and when that armories will

study war no more. Let me remind you it was General George Washington who said when things weren't going so well in the Civil War, should the worst come to the worst then I have decided to make my last stone in my (inaudible) among the Scottish Irish. So we are glad those connections are still with us.

We certainly hope that a friendship that has lasted through the years will continue between the people of Northern Ireland and the people of Pittsburgh here, and indeed the whole United States of America.

Thank you very much.

I am going to make some presentations here to this gentleman here. Are you the Mayor?

Mr. Diven:

This is the Council President; I am just a lonely Councilman.

Mr. McClure:

I am going to ask you to receive them anyway. This is a tie representing Corelain of our Council, that is the official tie of the boss. The one I am wearing here this morning. And then we have some samples of Wish Mills Distillery, this was made in the oldest licensed distillery in the world, founded in 1608 not only the oldest distillery, but they make the best whiskey. And here I have a book from the Corelain cosmic (phonetic) coast, that shows you lovely photographs and lovely pictures of our systemic (inaudible) thoughts right down to night yard beauty in the need of the whole cosmic coast. So, I give you that.

Mr. Onorato:

Hey, there are nine bottles in there.

Mr. McCardy:

I would just like to thank you all for having us here this morning. We arrived in Pittsburgh Sunday night, such a short time ago. Yet in that short time we have realized just what a wonderful community Pittsburgh is and what a great affinity you have with the Irish people. We would also like to thank you for your President who has opened the whole peace process. He arrived in Northern Ireland for the second time in September of this year and again a wonderful, wonderful welcome from the people of Northern Ireland.

There has been a whole new see change in the politics of Northern Ireland. Such a change which allows people like myself from the Ulster Unionist Party and John Darragh from the Social Democratic and Labor Party to be together and to work for the good of all the people of Northern Ireland and not just for our own little sections of the community.

Once again, I thank you for your very warm welcome. We look forward to a growing association with the City of Pittsburgh in the years to come. Thank you.

Mr. Darragh:

If my comments are exactly the same as David McCardy's it is because of the see change and political thinking back home, aye from John from FTLF, David from the Ulster Party.

Again, I just want to reinforce what David has said and to say thanks to America, thanks to your politicians and to your President in particular. For the five years of hard slog, building up confidence in both community because that is the foundation upon which the new Northern Ireland assembly is built on. It is built on the confidence of the two communities to go forward together working for peace and prosperity.

For many years the United States has helped in many projects in Northern Ireland, largely through the International Fund for Ireland, but also through a wide horizons and other very good projects. So we have a solid foundation, on what we now are partnerships and other industrial projects benefiting both America and Northern Ireland. Our welcome here in Pittsburgh in particular has been very encouraging and we go back with a lot of confidence that the future we face is one, which will be successful. Thank you.

Mr. Diven:

With that I would like to present the Mayor with the proclamation and also a flag of our city to remember us by. It is not bush mills, but --

The Chair:

Welcome the Mayor. I am honored to have you here, we all are. I just want to especially thank our Mayor, Mr. Diven, and Mr. Lamb for all their work in building bridges with Ireland. This city has been very, very active and we certainly welcome you here and we want to continue building those bridges.

MR. DIVEN AND MR. ONORATO

PRESENT:

No. 960 WHEREAS, Rita Wilson Kane began her political career in 1928 when she and her father, Harry Wilson, knocked on doors in Brookline for presidential candidate Al Smith and;

WHEREAS, Rita Wilson Kane, a graduate of Resurrection Catholic grade school and South Hills High School, was hired as an addressograph operator in the County Tax Revision office in 1936 and;

WHEREAS, Mrs. Kane was secretary to Elinor Kane, wife of County Commissioner John J. Kane, Sr., and in 1940 married John Kane, Jr. and;

WHEREAS, she succeeded her mother-in-law as President of the Allegheny County Democratic Women's Guild, and;

WHEREAS, Rita Wilson Kane was nominated by the Democratic Party in 1959 to replace John J. McGrady as Allegheny County Register of Wills and;

WHEREAS, Rita Wilson Kane went on to win eight (8) four (4)-year terms as Register of Wills and;

WHEREAS, Rita Wilson Kane's political career spanned sixty (60) plus years and paved the way for future generations of women to pursue a position in politics and;

WHEREAS, Rita Wilson Kane will receive, most deservedly, the third annual Mom's House "Courageous Woman Award" on Friday, November 13, 1998.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Rita Wilson Kane for her years of hard work and commitment to the citizens of Allegheny County and congratulates her as the recipient of the third annual Mom's House "Courageous Woman Award".

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Friday, November 13, 1998, "Rita Wilson Kane Day" in the City of Pittsburgh.

MS. MCDONALD moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Ferlo:

I would like Janet to come forward please, Janet Barlett. Members of Council, I would like to read the following resolution.

MR. FERLO PRESENTS:

No. 961 WHEREAS, there are more than 350,000 nonprofit philanthropic organizations in Pennsylvania that are largely responsible for enhancing the quality of life for our State and County citizens, and others throughout our country and world; and

WHEREAS, the people of the City of Pittsburgh owe a great debt to the schools, religious organizations, museums, art and music centers, youth groups, health and human service providers, research

institutions and other institutions and organizations that aid and comfort the elderly, the disadvantaged and the sick; and

WHEREAS, the National Society of Fund Raising Executives, Western Pennsylvania Chapter, plans to honor John and Dee McClay as Outstanding Philanthropists; Jane G. Greer as Outstanding Volunteer Fund Raiser; The Charleoi Area High School as Outstanding Youth Award; The Washington Federal Savings Bank as Outstanding Philanthropic Organization; and The Pittsburgh Foundation as Outstanding Foundation; and

WHEREAS, the people of the City of Pittsburgh should demonstrate their gratitude and support for philanthropic organizations and the efforts, skills and resources of those individuals who carry out their missions;

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby declare November 19, 1998, as National Philanthropy Day, and urges the people of the City of Pittsburgh to join in supporting those philanthropic organizations that help to make life in the City of Pittsburgh better for everyone.

MS. MCDONALD moved to adopt the resolution.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Ferlo:

Thank you very much. I think the proclamation is self-explanatory. I am very pleased that we have Janet Barlett here today. Janet is President of the Western Pennsylvania Chapter of the National Society of Fund Raising Executives. They have a major event here later on in the week at the Marriott City Center, I believe it is, an awards luncheon if I am not mistaken.

I think we want to really thank the hard work of the administrative and professional staff that worked for so many different types of philanthropic organizations. We have seen historically certainly a trend where government at all kinds of levels, federal, state county and municipal due to the reality of budget cuts and less resources certainly is in some areas doing less and less and calling upon the private sector, the community at large, the philanthropic community to try to do more and more. While that may continue probably into the next millenium, I think we really want to thank and show our appreciation for the professionalism, for the skill and dedication that these executive staff people have in countless numbers of organizations.

Part of our mosaic of the city is Pittsburgh representing so many different people. So many neighborhoods with so many different needs is the strong appreciation that we have certainly for the Pittsburgh foundation and a lot of other foundations and trusts locally that contribute to the quality of life in the City of Pittsburgh.

So I thought it was appropriate to harkin Council's support and pay recognition to the hard work of the professionals involved and applaud them

on their day of recognition. At this time I would like to ask Janet to say few words.

Ms. Barlett:

Thank you to Councilman Ferlo and to all of you for asking me to be here to represent the Western Pennsylvania Chapter.

As the President of the chapter, it is a very special day for us on Thursday when we acknowledge and recognize those people, individuals and organizations in the community that really do make a difference. This is our 13th year to celebrate National Philanthropy Day. We will be at the Marriott City Center on Thursday at noon for an awards luncheon. We are just really very excited about this event because it is our most public event and it really is an event that show cases the work that so many do and so many tireless hours that they give in support of the non-profits in this area.

Our chapter, the Western Pennsylvania Chapter, has 350 members. We are out there doing lots of things for non-profits. The chapter really is spouses education, advocacy and training. We just are trying to educate ourselves, education the public about philanthropy, and really make the community a better place to work and live.

So I thank you again for this opportunity to be here and to accept on behalf of our chapter and on behalf of all of those who keep the spirit of philanthropy alive and well in this region. Thank you very much.

The Chair:

I think we have four to be read into the record.

MR. O'CONNOR AND ALL MEMBERS OF COUNCIL PRESENT:

No. 962 WHEREAS, the Zionist Organization of America was founded with the first Zionist Congress in 1897; and,

WHEREAS, in Israel, ZOA maintains the Kfar Silver Campus School, where students may receive technical training in fields such as aviation, agriculture, secretarial, nursing and computers; and,

WHEREAS, the ZOA House in Tel Aviv, the most well known American center in Israel conducts programs which help foster American-Israeli understanding; and,

WHEREAS, nationally, the ZOA works with legislators and representatives of the news media to ensure fairness and understanding of the State of Israel and support of Jewish concerns around the world; and,

WHEREAS, the Pittsburgh Zionist District also offers educational programming concerning topics of Jewish interest free of charge to members and the community at large; and,

WHEREAS, the 53rd Annual Zionist Fund Banquet, dedicated to the memory of noted Pittsburgh Zionist and co-founder of National Record Mart, Howard Shapiro, is being held Sunday, November 22, 1998; and,

WHEREAS, proceeds from the dinner support the Israel Community Scholarship Fund, which was founded in 1962 by ZOA Executive Director, Hy Kimel; and,

WHEREAS, since 1962, over 3,000 teenagers have studied and traveled in Israel under the program; and,

WHEREAS, this year's honorees are Jeffrey Letwin, for the Israel Service Award and Roberta Letwin, for the Natalie E. Novick Community Service Award for their dedication and commitment to the Jewish community.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby extend to Jeff and Roberta Letwin its congratulations as they are honored for their hard work; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby wish the ZOA its best as it continues to address American-Israeli relations and hereby proclaims Sunday, November 22, 1998, "ZOA Day" in the City of Pittsburgh.

Also,

No. 963 WHEREAS, Edythe Freiberg Green was born to Jack and Tessie Freiberg in the Borough of Manhattan of the City of New York, on the twenty-fifth day of November, in the year that Tony Bennett also was born during the term of President Warren G. Harding; and,

WHEREAS, Edy was a loving sister to her siblings Loretta, Fanny, Sally,

and her brother Phillip, otherwise known as Yit, Frenchy, Sally and Pinky; and,

WHEREAS, Edy moved to, adopted and embraced the City of Pittsburgh in 1950, where she has resided since as a resident of Squirrel Hill and Oakland; and,

WHEREAS, Edy married Herbert S. Green in November of 1942, with whom she partnered in lovingly raising their children Wendy, Keith, Larry and Rick, who in turn have blessed them with seven grandchildren; and,

WHEREAS, as an adult, Edy did earn Bachelor of Science and Master of Education degrees at the University of Pittsburgh at the Cum Laude level of accomplishments; and,

WHEREAS, in 1998, she culminated years of diligent study of the tenets of her faith to become "a woman of the commandment" in the ceremony of "B'not Mitzva" at Temple Rodef Shalom; and,

WHEREAS, also as an adult, Edy persevered to become a responsible golfer that has, on more than one occasion, bested men who fancy themselves reasonably adept at said sport.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby extend to Edythe F. Green its congratulations and best wishes as she celebrates the anniversary of her birthday; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby proclaim November 25, 1998,

as, "Edythe Green Day" in the City of Pittsburgh.

Also,

No. 964 WHEREAS, Thomas Mattox, a graduate of Central State University, Lockhaven University and Ohio State University, has retired after thirty-three years from the honorable profession of teaching with great reverence and distinction; and,

WHEREAS, Thomas has served as an educator at Clayton, Northview Heights, Belmare and Burguin schools and Northgate School Board during the course of his career, his final post as Principal of Mifflin Elementary School for the last twelve years; and,

WHEREAS, in that time, Thomas Mattox has served in numerous capacities, including, but not limited to Health / Physical Education Teacher, Science Teacher, Administrative Intern and School Board member; and,

WHEREAS, Thomas fulfilled these positions with great ease, tact and poise, however and more importantly, he acted as mentor and trusted confidant for his students; and,

WHEREAS, always a champion of education and equality, Thomas has lived by the inspiring and encouraging motto that "Everybody is Somebody", resulting in the success of more than a few of his students; and,

WHEREAS, while working at the Juvenile Diagnostic Center in Columbus, Ohio, Thomas discovered the true meaning of "love at first sight", ultimately winning

the heart of his beloved wife, Pricilla, with whom he as had the joy of raising their family, which includes their two daughters, Yavonne and Dorothy, eight grandchildren and eighteen great grandchildren.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby extend to Thomas Mattox its congratulations and best wishes as he enters into his retirement; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby thank Thomas Mattox for his dedication to educating our society's youth and proclaims November 14, 1998, as, "Thomas Mattox Day" in the City of Pittsburgh.

Also,

No. 965 WHEREAS, the Greenfield Organization has been active in Greenfield for thirty years, providing the community with a monthly newspaper and a variety of vital community programs; and,

WHEREAS, the exceptional level of volunteerism in the community has contributed to the strength of both the community and the Greenfield Organization and recognizes the many volunteers each year with its annual Greenfield Awards Dinner; and,

WHEREAS, the following members of the community are being honored at the Thirteenth Annual Greenfield Awards Dinner, for their commitment to improving Greenfield:

COMMUNITY GROUP AWARDS

AARP Chapter 2611:

Joan Monaco

Greenfield All-Star Cheerleading
Association:
Cynthia Prosdocimo

Greenfield Baseball Association:
Bob Walters, Chris Ieraci, Linda
Wisniewski

Greenfield Football & Cheerleading
Organization:
James McClain, George Stone

Greenfield Living At Home Program:
Margaret (Hamas) Kopay

Greenfield Senior Center:
John Kepich

Greenfield Soccer Association:
Thomas Joseph Kohser

St. Rosalia Athletic Association:
Michael Kelley

SERVICE AWARDS

Business:
Dan Oshop

Community Service:
John Sicoli

Education:
Jim Gregg, Theresa Colaizzi

Youth Recognition:
David W. Sammel Jr.

Special Recognition:
Ray Golle

Hall of Fame:
William P. King, Edward Laughlin, Helen
Varley

Person of the Year
Bob O'Connor

NOW, THEREFORE BE IT
RESOLVED, that the Council of the City
of Pittsburgh does hereby recognize the
important role that the Greenfield
Organization has played in the
community, commends all of the
volunteers of Greenfield that have
contributed so much time and talent to
community efforts and organizations, and
congratulates Bob O'Connor on receiving
the Greenfield Person of the Year Award;
and,

BE IT FURTHER RESOLVED,
that the Council of the City of Pittsburgh
does hereby declare Saturday, November
21, 1998, "Greenfield Day" in the City of
Pittsburgh.

MS. MCDONALD moved to adopt the
resolutions.

MR. FERLO seconded the motions.

Which motion prevailed.

The Chair:

I don't have a written statement but
there is no secret that the weather has been
so good the last few days in Pittsburgh. I
think its because our good friend Joe
Denardo is back in town. I just wanted to
give a hardy Pittsburgh City Council
welcome to Joe. He has been ill and he is

back 100 percent and at work.

I have worked very closely with him on Project Bundle Up, I know other Council members have. He does an outstanding job not only for young people, for seniors and he goes and visits all the neighborhood schools over the Western Pennsylvania.

So on behalf of City Council I want to welcome him back. It is a pleasure to have him back and to keep the weather the way it is, Joe.

Let's now move to Presentation of Papers.

MR. DIVEN PRESENTED:

No. 966 Communication from Kathleen M. Kraus, Acting Director, Dept. Public Safety, requesting permission for Steve Dearwater to attend the "Community Policing Conference" in Arlington, VA, from October 8-10, 1998. Mr. Dearwater is a civilian working in partnership with the City of Pittsburgh as part of the AGH Problem Solving partnership Grant. He is not a City employee. Cost not to exceed \$601.96.

Which was read and referred to the Committee on Finance and Budget.

MR. HERTZBERG PRESENTED:

No. 967 Resolution authorizing the Mayor or the Director of Finance to enter into an agreement with an Accreditation Council of the American Public Work Association (APWA). (SPONSORED BY MR. HERTZBERG)

Which was read and referred to the Committee on Public Works, Water & Environmental Services.

MR. ONORATO PRESENTED:

No. 968 Resolution approving a Conditional use under Section 993.01(a)A(7) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to Allegheny County Court of Common Pleas Office of Juvenile Probation for authorization to occupy a portion of the 1st floor of the existing structure at 5231 Penn Avenue as the Regional Administrative offices for the Office of Juvenile Probation on property zoned "R3" Multiple Family Residence District, 10th Ward, Council District No. 7.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MS. MCDONALD seconded the motion.

Which motion prevailed.

Also,

No. 969 Resolution approving a Conditional use under Section 993.01(a)A(7) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 as amended, to Allegheny County Court of Common Pleas Office of Juvenile Probation for authorization to occupy a portion of the 1st floor of the existing structure at 5231 Penn Avenue as the Regional Administrative offices for the Office of Juvenile Probation on property

zoned "R3" Multiple Family Residence District, 10th Ward, Council District No. 7.

No. 970 Resolution authorizing and directing the Director of Public Works to form a citywide task force to serve as liaison between the Community Groups, City Departments, City Council and the Mayor's Office in identifying properties and working to abate said problems.

Which was read and referred to the Committee on Public Works, Water & Environmental Services.

MR. RICCIARDI PRESENTED:

No. 971 Resolution authorizing the URA of Pittsburgh to pursue a Tax Incremental Financing Proposal or Proposals for portions of the Second Avenue and Inner Triangle Redevelopment Areas (Council District No. 6). (PRESENTED BY MR. RICCIARDI & MR. HERTZBERG)

No. 972 Resolution amending Resolution No. 838, effective January 1, 1998, entitled "Adopting and approving the 1998 Capital Budget and the 1998 Community Development Block Grant Program and approving the 1998 through 2003 Capital Improvement Program" by transferring and renaming a project from Engineering & Construction (Art Set Aside) to Department of City Planning (Neighborhood Public Art Initiative).

Which was read and referred to the Committee on Housing, Economic Development & Promotion.

MR. UDIN PRESENTED:

No. 973 Resolution providing for the issuance of a warrant in the sum of \$55,000.00 to Mark J. Babuscio, c/o Donald D. Rossetti, Esquire, 2520 Mossdale Boulevard, Pittsburgh, PA 15146, in full and final settlement of the action filed at GD94-6859 alleging personal injury and property damage sustained due to a vehicle collision at Preble and Beaver Avenues on or about October 11, 1992.

Which was read and referred to the Committee on Finance and Budget.

No. 974 Resolution amending Resolution No. 182, effective April 20, 1998, entitled, "Resolution authorizing the Citizens Police Review Board to enter into a Lease Agreement for the leasing of the Board's office premises" by changing the terms of the lease.

Which was read and referred to the Committee on Lands Buildings & Procurement.

MR. O'CONNOR PRESENTED:

No. 975 Resolution authorizing and directing the Mayor and City Solicitor to request to LTV Steel Co. to be involved in the development and remediation and reuse plans for LTV's Hazelwood Coke and By-Products plants pursuant to the provisions of the PA Land recycling and Environmental Remediation Standards Act. (SPONSORED BY MR. O'CONNOR)

Which was read and referred to the Committee on Planning, Zoning & Land Use.

The Chair:

Motion to waive Rule 8.

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MS. MCDONALD seconded the motion.

Which motion prevailed.

The Chair:

Any unfinished business to come in front of Council?

Committee Chairs are next. We will hold them because of the budget process. But I might want to add I was pleased with yesterday's budget meeting which Mr. Udin chaired.

Also, I just want to follow up on our conversations all of yours over the last couple of weeks as far as possible unsatisfaction maybe with some of the city services that we all felt in our neighborhoods. This is a true opportunity I think the budget process to bring it to not only look at the numbers but also to look at the directors and what are their goals and achievements and where do they go from here.

I wanted to mention Mr. Udin I was impressed by Scott Kunka's follow up of yesterday's meeting where he highlighted 29 questions that were presented at the table yesterday and encourage him to do this in all of our budget meetings. So we have a list that we can absolutely follow up.

My point of this is so that after the budget process in January when the Committee Chairs come in front of us for reports, this will be handy to use so it doesn't get just lost in the shuffle. Whether it be fixing the fence at Mellon Park all of these can be computerized. I am talking to Linda in a couple of months they will be able to do that at all of our meetings to have a good source of follow up for all of our directors. Not just the dollars and cents numbers but the agenda that we have asked, the questions that we have asked and if you haven't received it, it was in everyone's box this morning. I will just give you one or two.

Update on Housing Authority payments and refuse collection, solicitation of opinions, both ours and authorities, Ferlo and Udin. So that can go right into that category that each and everyone of our whether it be your, department head or your chair these reports can be brought up. I think it would service a very good follow up to our all our directors.

So I think we can do more than just look at the dollars and cents of this budget. And, Mr. Udin has worked tirelessly to set this all up. I believe just not getting the numbers but I hope everyone agrees with this and follows up on it that I think the next year can serve a very fruitful year and we can make a considerable difference in the quality of life in our citizens.

I would like now to move to reports of committee.

REPORTS OF COMMITTEES

MR. UDIN PRESENTED:

Bill No. 976:

Report of the Committee of Finance and Budget for November 10, 1998, transmitting two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 934:

Resolution transferring the amount of \$1,619,470.00 from various accounts citywide to the Transfer Suspense Account, Fund 1000, Org. 999800, Sub Class 150, budget Year 1998, Account 525500 in order to make future transfers to various accounts where shortfalls exist.

Which was read.

Also,

Bill No. 934:

Resolution transferring the amount of \$1,946,363.00 from the Transfer Suspense Account, Fund 1000, Org. 999800, Sub Class 150, Budget Year 1998, Account 525500 to various account where shortfalls exist.

Which was read.

The Chair:

You have heard the reading and title of the bills, is there any discussion on the bills? Bills are now ready for final action. If you are in favor of passage of the bills vote aye when your names are called; all those opposed vote no.

Will the Clerk, please call the roll?

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

Ayes NINE NOES None

Bills have received the legally required number of votes and have passed finally.

MR. HERTZBERG PRESENTED:

Bill No. 977:

Report of the Committee on Public Works, Water and Environmental Services for November 10, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 921:

Resolution adopting Official Sewage Facilities Plan for Nine-Mile Run Phase I Development Housing.

Which was read.

Also,

Bill No. 922:

Resolution granting unto 1902 Landmark Tavern, 24 Market Place,

Pennsylvania 15222, the privilege and license to construct, maintain and use at their own cost and expense, a sidewalk café on a portion of the right-of-way of the sidewalk area on Market Place 1st Ward, 6th Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 924:

Resolution granting unto North Shore Management, Inc., dba Firewaters, 120 Federal Street, Pennsylvania 15212, the privilege and license to construct, maintain and use at their own cost and expense a sidewalk cafés on Federal and E. General Robinson Streets in the 22nd Ward, 6th Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 949:

Resolution providing for the letting of a Contract or Contracts, or the use of existing Contracts for the purchase of equipment for the Department of Public Works, payment from Account 542100, Fund 1000, Org. 420000, Sub 120, Budget Year 1998, Specialized Landscape, cost not to exceed \$47,000.00 Department of Public Works and for payment thereof.

Which was read.

Also,

Bill No. 950:

Resolution amending Resolution No. 75, effective March 10, 1998, amending Resolution No. 1383, effective December 30, 1980, amending Resolution No. 1180, effective December 31, 1979, entitled Authorizing the Mayor and the Director of the Department of Public Works on behalf of the City of Pittsburgh, to enter into an Agreement or Agreements with the Commonwealth of Pennsylvania, providing for reimbursement to the City of costs for salting and snow plowing State Highways within City Limits, by designating that all such reimbursements received from the Pennsylvania Department of Transportation shall be deposited into the Liquid Fuels Tax Trust Fund.

Which was read.

The Chair:

You have heard the reading and title of the bills, is there any discussion on the bills?

Bills are now ready for final action. All in favor of the passage of the bills vote aye when names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. O'Connor
	(Pres't)

AYES Eight NOES None

Bills have received the legally required number of votes and have passed finally.

MR. RICCIARDI PRESENTED:

Bill No. 978:

Report of the Committee on Housing, Economic Development and promotion for November 10, 1998, transmitting three resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 930:

Resolution authorizing the URA of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the following publicly-owned property in the 3rd Ward of the City of Pittsburgh designated as Block 11-E, Lot 280 (233 Dinwiddie Street) Pittsburgh Housing Construction Fund. (Council District No. 6)

Which was read.

Also,

Bill No. 931:

Resolution approving execution of a Contract for Disposition by sale of land by and between the URA of Pittsburgh and the Hill Community Development Corporation for the sale of Block 11-E, Lot 280 in the 3rd Ward of the City of Pittsburgh for \$1,500.00 per dwelling unit to constructed -- Pittsburgh Housing

Construction Fund. Council District No. 6 (site assemblage -- residential construction)

Which was read.

Also,

Bill No. 932:

Resolution approving execution of a Contract for Disposition by sale of land by and between the URA and Manchester Housing Partnership L.P. IV for the sale of Block 22-L Lot 133 in the 21st Ward of the City of Pittsburgh for \$915.00-- Redevelopment Area No. 27, Council District No. 6 (Parking)

Which was read.

The Chair:

You have heard the reading and title of the bills, is there any discussion on the bills?

Bills are now ready for final action. All in favor of the passage of the bills vote aye when names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. O'Connor
	(Pres't)

AYES Eight NOES None

Bills have received the legally required number of votes and have passed finally.

MS. MCDONALD PRESENTED:

Bill No. 979:

Report of the Committee on Parks, Recreation and Youth Policy for November 10, 1998, transmitting one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 919:

Resolution designating an unimproved non-thoroughfare portion of Point State Park as a "Peace Garden" and authorizing and directing the Mayor of City of Pittsburgh and Director of Parks and Recreation to sign a cooperation agreement with a consortium of local groups including the Friends and the Riverfront, Peace Links, Physicians for Social Responsibility and the World Federalists Association to establish a Peace Garden to serve as a place for both quiet reflection and for commemorations and celebrations under the theme of "Cultivate Peace and Harmony With All" as expressed by President George Washington in his farewell address of September 17, 1796. (SPONSORED BY MR. FERLO)

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the

bills?

Mr. Ferlo:

Yes, Mr. President, I would like to respectfully submit an amendment on the bill for the Peace Garden, an amendment to Bill Number 919 you have it before you. Just adding the language subsequent to the discussion we had last week. Councilman Cohen and others we want to add the language that is underlined the Peace Garden shall comply with state guidelines and regulations governing the use of the park and any maintenance or cooperation agreements between the state and the City of Pittsburgh. I think it is self-explanatory. I don't think it needs much discussion on the amendment unless I need to clarify.

The Chair:

Any questions on the amendment.
Motion on the amendment.

MS. MCDONALD moved to amend the bill.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Ferlo:

On the amended bill, I just want to thank my colleagues and the administration for their sense of cooperation in wanting to get this project off and running. I think it is a wonderful opportunity for citizens to be involved in contributing to the esthetic improvement of Point State Park, which is the living room of the region. It is a beautiful park but any opportunity that we have to

embellish it with floral artistic or architectural improvement in keeping with the character of the park and use of the park as well as any state guidelines on the park I think would be a major contribution.

Here we have a very active group of citizenry who are wanting to come forward and attempting to raise several hundred thousand dollars for the creation of a Peace Garden. It is a small triangular underutilized piece of the park, which could greatly benefit from this floral and design of the garden that has been submitted to Council. There is a lot that still needs to be done by the community in terms of raising the money, but I would ask that the administration work cooperatively in the spirit of the Council resolution.

I am very excited about spending my time and effort with these organizations. It is going to be a great contribution and embellishment of the Point State Park proper. I believe what we are doing is in keeping with the historical guidelines of the parks, the Peace Gardens theme. As a phrase that is from President George Washington's farewell address in 1796 when he talks about observe good faith and justice towards all nations, cultivate peace and harmony with all.

I think that is in keeping with the guidelines of the historical nature of Point State Park dating back to the Revolutionary War in the early founding of the Pittsburgh Bureau and in the City of Pittsburgh. So I just want to thank my colleagues for their support. Also, appeal to the community and to foundations and others that will be approached after the first of the year and give heartily. Thank

you.

The Chair:

I certainly agree with it and I think it is a much needed sprucing up. I mean when something is going on it is an exciting place but most of the afternoons it is not really full. So I think added attractions like that, beautification is certainly in the right direction and the meaning is certainly appropriate for the use and the space.

Mr. Ferlo:

Thank you.

The Chair:

Bills are now ready for final action. All in favor of the passage of the bills, vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. O'Connor
	(Pres't)

AYES Eight NOES None

Bills have received the legally required number of votes and have passed finally.

The Chair:

I have under motions and resolutions I have an appointment.

MR. O'CONNOR PRESENTS:

No. 980 A resolution approving the appointment of Eric Roberson as a member of the Civilian Review Commission, term to expire October 31, 1999.

The Chair:

This is for the Civilian Review Board, do you want him to come in front of Council?

Mr. Ricciardi:

I think it's a good idea if this individual does come before City Council so we can hear his comments and also have some questions. I also, colleagues, would like to take this opportunity to invite the chairperson who I believe was appointed by our colleague Mr. Dan Cohen. The reason for that I am still curious how the Civilian Review Board is going to pay for their furniture, they have yet to invoice the City of Pittsburgh. I am curious how they're going to pay for their phone bill. They have yet to invoice the City of Pittsburgh. Because, as we know, they once again screwed up the invoice process.

I would like to know about the lease the Director of the Civilian Review Board entered into a lease. She has no authority to enter into a lease. The Solicitor right now is reviewing that. So those are some of the issues that I think we should talk about. And I think we need the chair of the Civilian Review Board to answer these questions. I mean either

they're going to do it the right way or we should not fund them. Thank you.

Mr. Ferlo:

I just think we should be clear on what it is that we are asking the discussion to be. I thought the discussion appropriately was the approval of the appointment by the Mayor of one of the vacant seats. If we are going to go off into a tangent and talk about all these other issues, which is fine, I would ask that other people be there. I think it is inappropriate for a new board member that is going on the board in good faith to be co-mingled with a lengthy discussion and debate about expenditures pro or con or methods of payment. I think we should have a follow up Post Agenda Meeting if there is still a problem and on behalf -

I am not in anyway suggesting we shouldn't discuss Councilman Ricciardi's points. But I don't think it is fair during the context of an appointment for the new board member to co-mingle that with a lengthy discussion about the procurement and disputes that have happened in the past. If we need to do that, I would respectfully ask that we do it even that day but as a separate discussion because I would also like to have the Director of General Services there and the Solicitor if that's what we are going to talk about. I am hearing conflicting information about what is fact or fiction.

Secondly, from the last Post Agenda, people made certain commitments. The Director of the Review Board made commitments, I believe Director Costa made a commitment to appoint a budsman type of person who would help facilitate all of this. I thought

we cleared the air and there were not to be any more problems. If there are, I am still perplexed. And, if Mr. Ricciardi has legitimacy to his concerns, we need to know that so we can better understand why people aren't following the procedures. This is not something that is complicated.

I don't know why we have to have a bashing of the review board every time there seems to be a problem around an invoice or a payment. So, we should get to the bottom of that. But I don't think it is fair to do that in the beginning of a lengthy discussion Wednesday meeting at the time we are supposed to be confirming basically a new appointment. I am not saying unless the discussion but could we please organize it in an appropriate way and have the right people at the table?

Mr. Ricciardi:

I believe we should not have a bashing of the Review Board. But I don't believe we should have to have this blinded loyalty to the Review Board. Yes, questions were supposed to be cleared up after the furniture issues. However, after that we see the same track record, and the same ineptness under professionalism, outright distortions and untruths that happened during the furniture issue that once again appeared during the phone issue. The lease issue is the same.

When are we going to stop defending the ineptness of the Director of the Civilian Review Board and begin to believe the professionals that we have here in City Hall? The professionals in the Department of General Services, the professionals in our Law Department that's what I am saying. I have no problem in

separating the two but I want it the same day.

We have the track record in the past; we have done the same in the past, where we have had city magistrates before us. When we have asked the Chief of the Magistrate to come before us to talk about policy issues. So what I am saying is I agree with Mr. Ferlo, I will separate the two but I want them both to occur tomorrow.

Tomorrow we will have the appointment before us and right after the appointment either leave the table or leave the room. Then, I would like to see the chairperson, the chairperson not the Director of the Civilian Review Board, a person that has no credibility with me or continues to distort an out right lie here in the City of Pittsburgh. I would like to see the Chairperson of the Review Board come before us with the Solicitor and with the Department of General Services. Thank you.

Mr. Ferlo:

Mr. President, the most I got out of the last discussion about the so-called furniture was that Mr. Ricciardi hoisted his own petard. We had a lengthy Post Agenda Meeting and it was clear that there was much to do about nothing. It was sensationalized by the media. Now if there is something new that has come forward, I have to admit I am not aware of what Mr. Ricciardi is talking about this lease.

Mr. Ricciardi:

You should read your memos and correspondence.

Mr. Ferlo:

I don't need to read the memo and any notion of somebody blindly being obedient to anything is ridiculous. I am only asking procedurally that we have a Post Agenda Meeting as a follow up to the last Post Agenda Meeting to see if there is any problem around lease signing, procurement or what have you.

I don't think it is fair to take the Mayor's appointment at the table in the middle of a Wednesday session with a lot of other bills and have an hour and a half debate about procurement and signatures.

Mr. Ricciardi:

I say we can separate the two. I don't have a problem, but I want them the same day.

The Chair:

We have separated the two. So again, we will keep this gentleman who is the new appointment whether it be tomorrow or next Wednesday we will keep that separate. If Mr. Ricciardi wishes a follow up Post Agenda, I believe you should request that.

Mr. Ricciardi:

No, no. What we can do is and it may not occur tomorrow, I would like to invite guests. I would like Guy Costa, Jeannie Meyers, I would also like our Solicitor Jacqueline Morrow and Mr. Stern also at the table with the Chairperson of the Civilian Review Board. If those four or five individuals can make it tomorrow, that will be fine. If not, I am willing to wait until the week after.

I would just ask Mr. Ferlo that he read his mail, read his memos, read his correspondence and maybe make some phone calls and maybe ask some questions about the lease. Read the city charter and also read Howard Stern's memo that was put forth to this body about two, three weeks ago.

Ms. McDonald:

Yes, to chime into the festivities here. I would strongly urge but I strongly urge you, Councilman President O'Connor, since you are the President of Council to put in some type of order and process in whatever discussions we have. There is a process called a Post Agenda that is in place. With all do respect I understand Councilman Ricciardi's concerns. My only intent is to make sure that it is done in an orderly fashion and not to have a free for all Post Agenda without giving the public adequate advance time.

We do have a Home Rule Charter with rules in place that advises us that we do have to give the public, anytime we deliberate on a subject, advance notice of meetings. That will be a meeting separate and distinct from a Standing Committees Meeting. So therefore I would urge Council President O'Connor to schedule a Post Agenda but that I would not, definitely do not want to have a free for all Post Agenda because we are interviewing a gentleman. I feel like you had said, we will interview the gentleman and after that schedule a Post Agenda where there could be the Director of General Services, Director of CIS just anybody and everybody who wants to come along. That should be separate and distinct. I will not participate in a free for all Post Agenda.

The Chair:

I agree and, Mr. Ricciardi, if you give us the list, we would be glad to invite them all to a Post Agenda. We will need time to schedule it whether you want to televise it or not that should be in the program.

Mr. Ricciardi:

Thank you, Mr. President.

Mr. Onorato:

One issue that wasn't brought up which I think is very appropriate for the confirmation hearings. I would ask that the City Clerk or the President whoever can pull the information together and this goes with all confirmation hearings. One, I would like to have a list of whose on the board and the geographical make up of where they live. I also think we should have the racial and gender mix on the board. This is any board that comes in front of us, but more importantly for the Civilian Review Board colleagues.

If you recall during that debate of the drafting of the legislation, there was a big debate over an amendment dealing with how many former police officers could sit on the board. And the debate was three versus two. I think the result was two that we voted on. Now if I am not mistaken, Mr. Ferlo's appointee retired or withdrew himself off there and I think we are down to one police officer. Speaking as one Council member I think it is very important in my position that we have two retired police officers on there to keep it balanced and to keep credibility there.

If this gentleman who is being

presented to us, does not have a police background, and we only have one police officer on this board, I will be voting no. Not because he is not qualified. I feel very strongly that those two positions of backgrounds with police officers should be on there to keep balance, to keep the credibility of the board open. Because of its perception that it is not a witch-hunt, but you do have people that were in the force and if I am not mistaken, I think we are down to one.

I would like to check that background of how many police officers and also keep the balance of which four came from Council and which three came from the Mayor to make sure that we are putting the right nominees forward.

So, I am putting that out front now and I am asking the Mayor maybe to even evaluate the issue of how many former police officers are on this board? Maybe we should withdraw this gentleman's name if he is not, if we are still down one. But it is an issue that is important to me and I am going to be talking about that tomorrow.

The Chair:

I don't know that we can get him in here tomorrow. Possibly I might suggest we wait a week and not just on this gentleman, but anyone. A lot of times we have it right before we run into the meeting, we may have a resume. I believe we should have the resume a couple of days ahead and whether it be the makeup of the board so that we don't rush it. It is not fair to the individual. A lot of times we aren't prepared to do him or her justice. So I would ask that that person come next Wednesday or Tuesday I believe, we will be a week ahead.

Mr. Onorato:

If the Clerk could get us the information I asked for as soon as possible? Thank you.

Mr. Ricciardi:

I would like to make a motion that we televise the Public Hearing scheduled for Thursday regarding fire safety issues in the South Sides Slopes.

MR. FERLO seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

And very briefly, I just want to --

The Chair:

You want to repeat the time? Is that at 10:00?

Mr. Ricciardi:

I believe Thursday at ten a.m.

I would like to take this opportunity really to salute and commend our colleague Mr. Udin, Deputy Mayor Sal Sirabella and the Public Works Employees. I think they did a magnificent and just a wonderful job in cleaning up the strip district both Sunday and Monday. I just hope it continues to be as clean throughout the weeks to come. They did a fabulous job.

I will just ask Mr. Alan Hertzberg if we could -- maybe it is good to address this now before the winter snowy months hit us. I have been somewhat concerned

about the 5-division plan and somewhat skeptical of its ability to do some maintenance during the summer months.

I am very concerned about the snow that could be coming this winter. I hope Public Works can either schedule a Post Agenda or send us up some sort of plan on how they are going to address snow removal here in the City of Pittsburgh. I believe it will be the first time they will be removing snow and keeping our streets clean under the 5-division plan. Especially in my division, Mr. President, as you know and I believe you represent Lincoln Place.

I think it is going to be somewhat difficult for the division to clean snow both in Lincoln Place and south of the rivers including the South Sides Slopes for example. My first suggestion is that maybe Mr. Daley, Greg Daley's division should take care of Lincoln Place during the winter months, and let Mr. Paolino's division that is south of the rivers take care of the Lincoln Place in the summer months. It's something that had been bantered about I believe several months ago and I think it is something that we have to explore.

So, Mr. Hertzberg, I have been somewhat critical and somewhat skeptical, can the 5-division plan work during the summer months? I just want to make sure we are positive too they can work during the winter months.

Mr. Hertzberg:

Just to respond. I will ask to have a plan submitted as to what the snow removal specifics are on that. I would also like you to note that as a result of a lot of

comments I received, I introduced a resolution today calling for an accreditation process by the American Public Works Association of our Public Works Department which will come up next week during our Standing Committees Meeting.

I will send everybody a bunch of material on that topic. It is a two or three year process that examines Public Works practices which is I think a lot of what I have been hearing from Council members that they think that should be done and I concur with them. So hopefully we can move ahead and work with this American Public Works Association process.

The Chair:

Will you have that report when the Public Works Budget comes up? Will that be finished by then?

Mr. Hertzberg:

It won't be finished. There is a cost to it between eight, and ten thousand dollars. When exactly that cost is incurred, I am not sure. But I have spoken with Mr. Kunka already about that and we are going to try to fit it into the budget somewhere either this year or next year.

Mr. Ferlo:

Mr. President, I would like to talk a little about accuracy in the media. I know that Reeder Voncom (phonetic) comes on a lot on KQV, he is a right wing journalist, but he always wants to blast the liberal media. So, let me let a liberal blast the other part of the media today.

I want to point out a few things. I

think there are a few things talked about in the media that are separate and distinct issues but they kind of flow together. I want to thank Lamar Barnes from Public Works who sent a letter back directed to KDKA television regarding a story that Andy Sheenan and so called investigative reporter did on KDKA television a couple of weeks ago about the garbage collection. And, the work activities of the refuse workers, the environmental service workers in the City of Pittsburgh.

I just want to point out a few things about the letter from Lamar Barnes to KDKA. I think it is important. I actually that night called the station and the following day called to complain about the show, the reports that Mr. Sheenan did.

In fact I think he taped me the next day, I don't know if it was actually aired as a follow up I noticed I saw the President, yourself at 11 o'clock with about eight seconds of sound byte. I don't know if I was on earlier.

I gave an explanation about why I was so upset with Andy Sheenan's report. But I want to thank Lamar Barnes for coming to the defense of the workers that he represents in his department. Because this has to do with a report that Mr. Sheenan did. It was supposed to be like a big expose, basically once again blasting city workers, municipal public workers and how dare these workers leave the job early and go home.

Well, the story was completely inappropriate in terms of what the facts are not that the media should necessarily be concerned with the facts. But Lamar Barnes and I want to characterize these comments he has made, because when he

writes back to Mr. Sheenan criticizing the report that was on KDKA, Mr. Lamar Barnes from our department rightfully points out the following.

One, and I am quoting from Mr. Barnes letter, about Mr. Sheenan. He failed to report two months of overtime records and land fill dump times that were given to him personally before he aired his investigative report. The record showed that some dump trucks dump early while other trucks dump after completing a nine to 12 hour work day.

Mr. Sheenan, he writes further, he failed to report information given to him about the solid waste industry regarding productivity incentives. Solid waste companies globally both public and private offer productivity incentives to refuse workers in the form of pay or stop or early quit incentives. This information was given to Mr. Sheenan but again he failed to report it.

He failed to report that city workers' jobs are not done for the day after they dump one load of refuse. Most workers return to their route to pick up additional refuse, which they bring into the plant to dump the following day. Mr. Sheenan was given this information but again he failed to report it.

Mr. Sheenan failed to report that refuse workers don't have two fifteen minute breaks and one hour lunch period. Most refuse workers throughout the country work until their job is complete. This is true for the rest of the city work force as opposed to the refuse workers.

He failed to report that the early quit incentive has been in place since the

refuse workers started picking up refuse in the city of Pittsburgh some 40 or 50 years ago. Notice this is a collective bargaining agreement that they won decades ago and is still maintained by this administration.

Mr. Sheenan failed to report the teamsters Local 249 is not a public union. It is a union that represents both public and private employees.

Also, Mr. Sheenan failed to report that there are heavy and light volumes of trash Monthly. The amount of work that is to be done by refuse works differs from month to month and I am sure from week to week. So I want to thank Lamar Barnes for pointing that out.

I also complained because if you looked at the whole story at the end you had our illustrious Deputy Mayor on basically blasting City Council for this agreement that we allow city workers to leave early. First of all it is a collective bargaining matter, none of which the City Council has anything legally or legislatively anything to do with. How that story got marred down in this whole public policy debate about whether or not we should privatize or have a garbage tax which the Mayor has been pushing down our throats, I don't understand how we went from apples to oranges to that whole issue.

The Union in fact there is no balance. You basically, Mr. Sheenan, engaged in a drive by filming by sticking a microphone in the mouth of some worker coming off the shift in the truck. He didn't take the time to interview either any Council member or any union representatives from 249 who could explain what the collective bargaining

agreement calls for with the refuse workers. As well, he could have explained what the history of the union is with the city administration as far back as I have been here two or three Mayors. This union has given up the three men crews at a significant savings to the city.

This union has acquiesced I guess basically to the fact that 12 or 15 routes were eliminated, which basically means that a lot more garbage being picked up by a lot less employees. That has been in place now for several years. This union in fact went several years without even having a collective bargaining agreement. They have accepted wage freezes in the past.

I don't know why everybody keeps beating up on these groups of workers. They work their butts off; they are unsung heroes in the City of Pittsburgh. I would ask Mr. Sheenan or anybody else to go out and pick up the garbage that these folks have to pick up on a hot summer August month. You know, and once in a while you have an inappropriate activity and I am not going to condone a garbage worker taking a \$20 bill to pick up commercial garbage. It is inappropriate, it is wrong, it is violative of the city code of ordinances, and people know it is wrong. But Mr. Sheenan didn't report that it is in fact union members that conveyed information to the administration and the police about who amongst them they thought was inappropriately engaging in this activity. Now, that wasn't reported.

You know and we are talking about a \$20 bill that some worker took for refuse pick up in the business corridor, but what about the 800 thousand dollars that this administration is out because they don't

know how to run a Wayfinders Signage Program? It is like no mention in the media. No investigative reporter has talked about public records missing, checks being written possibly to independent consultants around the Wayfinders Signage Trust Fund, administration officials that are basically out to lunch in the management of this program. You know that is \$800 thousand loss revenue to the City of Pittsburgh.

You know for two years we haven't agreed to the city code of ordinances. We are out four or five hundred thousand dollars for not asking the Housing Authority to comply with the payment for garbage and rubbish pick up that they are supposed to be paying under city code of ordinances. Where is the report on that? Again, I want to focus in because I think it is inappropriate for the media to always slam city workers and not give a balanced report as clearly Mr. Sheenan's report was not balanced. I know there is apparently a ratings war going on now with 2, 4 and 11. They all have these teams of investigative reports. I think it is good.

I have learned myself of some of the reports that I have seen on 2, 4 and 11. Some of the issues they have raised are fascinating. I think they are very helpful to the consumers, to the public and I applaud that part of mud breaking activity on the six and eleven o'clock news. But I would just ask that there be some balance and some fairness and some relevant facts given when these so called investigative reports happen.

Secondly, let me clarify some confusion that may exist about the Pittsburgh Penguins and comments that I made last week --

Mr. Onorato:

May I respond to the environmental workers before you go on?

Mr. Ferlo:

Can I just summarize because I wanted you to respond also on the Penguins and I am trying to focus on accuracy in the media?

Now, setting aside the whole issue of the Penguins not paying their bill and Council agreeing, which I do support. If we can get \$600,000 now instead of nothing and we get it up front, we get it now and a payment plan of \$30,000 plus a month, I thought that was a good deal. That is why I agreed to compromise.

The fact that we hold a press conference in the locker room up there, let me explain a couple of things. Because the headline on the talk shows the next day was that Jim Ferlo said we should build the Penguins a new arena. I don't know where that came from. I want to clearly restate, three comments that I believe were made following or during the course of that press conference.

One was reporters, Mr. Stavern as well Mr. Schmitz from the Post Gazette, the basic comment or the question was what about this whole issue of a new arena for the Penguins? Now, I believe three comments were made. First the President spoke, Mr. O'Connor. He said very clearly that it is too premature and too early to talk about a new arena that is seven years down the road. That paraphrasing, that is what I remember you said. Then I chimed in and made two basic comments, none of which should suggest that I am voting in

favor or that I agree to a new arena.

First and foremost, I think I exclusively stated that the person who is in the driver's seat as far as the development, as far as where the Penguins are going, about any issue of a new arena, financing, any issue like that, I said his honor the Mayor, Tom Murphy, is in the driver's seat. I said he is the Chief Executive Officer of the city, he is the one who has to give guidance and negotiate and respond to this request from the Penguins. I thought I stated that explicitly.

The Chair:

You did.

Mr. Ferlo:

I said as a follow up, I am sure my colleagues and I would consider any notion of an arena or the future of Penguins in the City of Pittsburgh the same way that we did any other economic development deal for the city as far as growing the city. I think my phrase was, I said whether it is Lazarus or the new corporate ALCOA Headquarters, I believe Council if they're presented with a package would evaluate it in the same context that we would evaluate anything else. Now, I don't know how you extrapolate the next day that Jim Ferlo gets bought off, drops his Penguin fight and now he is in love with the Penguins. I don't understand where one story got bastardized and went to the context of the next story. I don't understand that.

I still stand by my comments. I believe that there is nothing inappropriate with this Council body because let's be honest. We know there is a lot of

(inaudible) comments made about Plan B. The fact of the matter is, Plan B does not adversely affect the city's capital or operating budget. It is a no brainer as far as I am concerned because basically we are getting -- making out like a bandit in the city.

I am going to speak selfishly as a city legislator. We have got a billion dollars worth of development, we finally get some money from the state that is not going to Philadelphia at least, finally comes back home to Pittsburgh and it is a no lose situation. We redirect money that is already out there for tremendous development and unfortunately I am not the one who bundled the Convention Center with its stadia. If I was the Mayor it wouldn't have been done that way, and things would have happened differently. But we are not in the driver's seat.

For ten years I have been fighting to get new and improved expanded Convention Center. So if I have to go with that because it has been bundled together with the stadia. Then I am flying with the project because I have stated that before the RAD Board and everyone else. And, I don't think there should be anything different with the Penguins in the future. If they come forward with a viable proposal and it doesn't in any way involve city tax dollars, the capital budget or the operating budget paying for it, why should we refuse it? If it involves some other funding, their own private investments, state contributions why should we foolishly be opposed to it? I am for that type of development. It should happen with the community involved Crawford Roberts, it should happen with a lot of different interest groups having their input, but I just wish the media would kind of

follow through factually on the story and also you know just go with it.

As far as some of these cartoons, I am not a jerk. If I am a jerk for being adamant and insistent for our tax money, than I am a jerk and I am glad to be a jerk then because the fact of the matter is, the Penguins clearly engaged in illegal and inappropriate activity. We are not a creditor of the Penguins. I will fight like hell to make sure they pay that amusement tax, jerk or no jerk. I won't tell Mr. Timmy's I lost 18 pounds in the last few weeks actually.

The Chair:

You look very good. To your response, I think we did say that I think all of us commented that a new arena was -- you shouldn't even be thinking about it because they certainly have quite a challenge to get this team in a financial structure that it needs to stay here first and then to move on. And, no one fought harder to go get that money than Jim Ferlo.

Mr. Ferlo:

I just want to get my letter to the editor out verbally.

Mr. Ricciardi:

I do have a quick comment. It's a pity that anyone would have name calling here in the City of Pittsburgh. I think Mr. Ferlo was very responsible when he raised questions regarding the Penguins. However, I must correct one point that the convention, the expansion of the Convention Center the money has been released, it is not bundled together. The

Convention Center money is in place it is not bundled together.

Also, I would like to take issue that the support of the Plan B bill there is no doubt will affect other amenities here in Allegheny County, and the City of Pittsburgh through RAD Board funding. Such as the libraries, the parks, the zoos, but I will hold that debate for another time because there is going to be a host of bills before that. We are going to have to vote on it in order to support the logistics of Plan B. But it will definitely effect Allegheny County here and some of our assets. But let's make it clear to the listener, the Convention Center money is in place, it is not connected. It is not in any way connected to the stadia here in Allegheny County, City of Pittsburgh.

Mr. Onorato:

On two issues, and I will be brief. I just want to make a comment on the environmental service workers because I think they did get a very unfair report against them.

All I want to comment on is I looked around and everyone talks about what it would be like to privatize whether there would be any savings? If anyone would ever look into privatization or go to the suburbs around us, the companies that pick up in those areas are very limited to the amount they pick up that the customer pays for, usually like 2 can limit, two bag limit, whatever it might be. There is a limit. The City of Pittsburgh has absolutely no limit.

If you ride by and I am sure if anyone of you go through your neighborhoods on a regular day, this is a

non-bulk day; you will see 20 bags lined up on a sidewalk. Then, when you go on a bulk day, which is every two weeks, it is unbelievable. I don't know how we pick it up. I just don't understand how they get all this picked up.

I think it should be pointed out do you realize if the garbage was not picked up in this town, the outcry we would have? We have never had it at least as long as I have been on Council. That is the one service, if we stopped doing it just one week, this city will come to a halt. You would have such a human outcry because of the health concerns, because of the sidewalks, because of all the reasons of not picking up garbage. That has never happened in my seven years of being on Council and we take it for granted. I think a lot of people take that for granted.

That is one service that has to be performed every seven days, every day of the week, but every seven days per households which to me I am still amazed that it goes on the way it does with the minimal amount of complaints that come into my office. I might get a call hey they missed me once every six months. We call and they pick it up within two hours. But other than that this thing runs smoothly. And God forbid we try to change something and the garbage is not picked up there is going to be a price to pay to a lot of people in this town. My hat is off to those workers. I don't know how you pick it up consistently like that. I think you do one heck of a job.

Finally, on the Penguins issue. I do want to say this; I stated it last week. I will say it again today. In regards to what was said and what was reported, it amazes me that the media didn't pick up on the

issue that the only reason the Penguins were at the table that day was because of the rhetoric and the strong arm tactics that was coming out of this Council, particularly Councilman Ferlo. Remember, we started off by a nonpayment, zero. When we got to the point, we got half of it coming in immediately and the other half coming in twelve months. If you don't think that was because of the posturing of this Council, being led by Councilman Ferlo, that should have been the story.

We did our fiduciary obligations, we did what we had to do and we went to the brink. But we showed reasonableness saying we won't shut the doors if you are going to at least talk with us and come back with a plan and forcing them to do that. So, my hat is off to what Councilman Ferlo did there, and this Council for not shooting down that resolution. For holding when we had to hold it to give a little window of opportunity for the Penguins to do the right thing. It appears they are doing the right thing at this point. That would have never happened, there wouldn't be a penny coming in here if this Council didn't debate that resolution and that is this bottom line of that whole discussion.

Mr. Cohen:

I might as well jump in also. On the Penguins issue, I do want to congratulate Councilman Ferlo for being a fighter, for the public interest. That is what that was all about. That public interest was what that money, that is who owned that money the public and certainly bringing it back to the public domain is something that would not have happened. It certainly would not have happened as

quickly if it hadn't of been for Councilman Jim Ferlo. The new spelt Jim Ferlo. The new and improved.

On the other issue of the refuse workers, just to bring it back to something that we do have some control over. I do want to remind the rest of Council, which they know very well, that we have 25 vacancies in the Public Works Department right now including in the Department of Environmental Services. They do certainly work hard, but there is a -- I will bring it down to one example. I have got a constituent on Amber Street and Friendship that every two weeks for three months put out the same roll of carpet for bulk pick up. It didn't get picked up, and he had to bring it back into his house. Two weeks later he would bring it out and it wouldn't get picked up and he would bring it back into his house. I don't blame the refuse workers for that. Because I do think they do their job.

What I blame is the fact that we have 25 vacancies in the Public Works Department and we can't get at least in the East End of the city, can't get bulk pick up accomplished. It is not the workers fault. It is our fault. It is our fault for not restoring those vacancies. We now have an opportunity before us to restore those vacancies, either through expenditure cuts or revenue increases. I just urge Council and myself as well as the Mayor and all of Council to do that so that we don't allow city services to continue to fall below an acceptable level.

The Chair:

Could I ask are you saying 25 vacancies that are in the budget?

Mr. Cohen:

That's right.

The Chair:

So then that is not our fault. We budgeted that money last year for those 25 positions. If the Public Works and the Mayor doesn't fill those positions, our hands are tied.

Mr. Cohen:

I didn't understand your question completely. I believe they're in the budget, but I am not sure. We certainly should ask that when Public Works comes up. But unless we provide the funding to fill all of those positions and your point is -- I understand your point and we will work together with the Mayor to do that, we are going to have a problem next year. I really think we will.

The Chair:

I am beginning to look more and more on the 350 million dollar budget, three million is less than one percent. I think it is a diversion between the going after the garbage collectors and that small garbage fee tax as we call it. I think there is a lot more to this budget and I urge all of us to look hard at it because why -- we are going to war for the second year in a row over something that small, in the scope of the whole thing. I think the whole thing seems to be diverted and the pro-privatization people from what I understand and if anybody has the ears next door there were two bids to privatize the garbage, one was pulled back. So, I am very interested to see what the other proposal was.

If it is such a great deal and so poorly managed, I am sure ten or 20 companies didn't bid on this lucrative contract that everyone is urging for privatization.

Mr. Cohen:

I am not.

The Chair:

I don't mean us, but the media and the people across the hall.

Mr. Cohen:

That certainly is a separate issue. It certainly should be addressed. I don't think it is a three million dollar gap, I think it is a 15 to 17 million dollar gap. The reason I do is because at least two of those items are one-time items that don't do anything to address our structural deficit. That is the refinancing of our current debt as well as the -- there is a I think it was there was one other issue that was also a one time event that comes to about 15 million dollars. Where that doesn't help us over the long run in terms of satisfying our structural debt problem. So, if Council thinks they can get out of this with just a three million-dollar problem, I don't think it is. I think it is a 15 to 17 million-dollar problem.

The Chair:

Well, you are the first one that said it and we have a whole budget to talk about it. But everyone concentrates on that -- even if the garbage tax passed, which I don't think it will, that is only a raindrop on the problem. So, to me there is some diversion here that something is

missing. I am missing something if we are all going to war over this garbage tax.

Anything else under Penguins or garbage?

I do have one great thing happened besides the Penguins. A couple of things. I was very excited about last week, again Mr. Ferlo I think the resolution with the Penguins was very good. Our astronauts led by John Glenn came back home. Even Bill Clinton put down Saddam Hussein.

But the most exciting and best news I heard last week was the end of Sparkle Season. Sparkle Season is now over in Pittsburgh. I have been carrying a letter that I wanted to write a year ago, but held off. I think it is the worst marketing tool in the country for Christmas Season to use that word Sparkle Season. That is the good news.

The bad news I think they came up with a second worst slogan in downtown and I hope my son Corry is listening in my Pittsburgh accent, he teases me about saying downtown, downtown Pittsburgh sparkles. The business and property owners that were taxed to pay for that for the cleanup and the downtown partnership ought to ask for a refund if that is the best they can come up. So, I am very, very discouraged with the downtown sparkle.

In case, no one is listening, maybe our editorial boards or whoever 99% of Pittsburgh celebrate Christmas and Hanukkah. Maybe we can't use those words anymore; in fact in my family we celebrate both. But for the 99% of us who maybe we can't advertise that anymore like we used to, the Christmas and Hanukkah season, I would certainly say a prayer and

hope that we at least can put Holiday Season back.

So, I hope this is the final year for the word sparkle. I for one will lead a campaign after this year if we are going to spend all of this money on downtown. And, do this investment that our hard earned money is pushing for people to come down, I certainly hope our marketing people can emphasize the reason and the spirit, it is a national holiday by the way, Christmas. I hope we can celebrate everyone's season no matter what religion it is.

So my suggestion is Holiday Season to start promoting that like it used to be downtown. So, with that said, I hope the marketing people are paying attention because topping Sparkle Season with Downtown Sparkle Season, didn't do it for me. I don't believe it is heading in the right direction. So, my vote is for Holiday Season. I won't ask any of you unless you want to comment on it. But maybe by next year we will have a resolution on it.

Mr. Ferlo:

I want to get into the sparkle debate. I spoke about that in the past. But this issue does bring up the need for Councilman Udin to make sure that we invite the leadership, the Downtown Partnership during the budget process. Under the code of ordinances they are obligated to appear before Council, give a year-end report, explain what their budget is under the business approval district. But I think that would be an excellent opportunity and a time for us to talk about that and also some related issues.

There are just a number of issues

that I want to talk about with Downtown Partnership including staffing and receptacles, the ambassador program a whole bunch of different things including the marketing issue and parking issues.

The Chair:

Actually I believe it is very important because they are talking about the similar and same thing in Oakland coming next. So, I think we ought to be well versed on what is going on -- --

Mr. Ferlo:

If we can make sure that we know what the date is of that interview time so we make sure colleagues are cognoscente especially for that time and maybe other folks from the community downtown. Otherwise, we might want to have participation in that session of Council. Thank you.

Also, if we can get any information in the past, last year they brought the budget to the table that day. If they can please prepare a packet pursuant to the Council's resolution and their appearance here, I think it would be helpful to at least -- I think all the colleagues would appreciate some advance information about their budget situation.

The Chair:

I would urge them to give us that information at least a week ahead.

Mr. Ferlo:

Just as a part of that, whatever happened to the Sport and Festival Federation, Judy Kelly? Did they

disappear?

The Chair:

I believe it is out of business. The New Year's Eve whatever celebration -- I believe they are going in the right direction for the New Year's Eve celebration, First Night Sparkle is out of that first night. There is an organization raising money, and I believe they are on the right track and especially leading up to the year 2000 that grand opening of next year, new year's eve will be a --

Mr. Ferlo:

The only reason I asked, when I agreed to fund originally the sports and festival federation when Director Gaetano was the head of it, it really looked promising. It was a great opportunity for targeted effort and attracting other sports and cultural related events for the City of Pittsburgh. It is not clear to me now who is going to be doing that. Maybe it doesn't need to be done by municipal government, but I am concerned. I think there is a vacuum there we are missing now on the marketing and promotion and organizing of the possibility of Pittsburgh. Especially with the construction that will be underway, the Convention Center expansion, other things that we have talked about.

There are sports and other kinds of national events that could be held here in the city or at least in the Pittsburgh area that we should be out there hustling on. It doesn't seem to be something the Greater Pittsburgh Visitors Convention Bureau is interested in doing. It is not something the First Night Group is going to be doing. I think they are just focusing in on the First

Night. I would ask that we talk about that also when we talk about the development, downtown development.

The Chair:

I believe the First Night people are at least heading in that direction and I think if they need our input before it goes any further. We will call a meeting after the budget season, I hope.

Anything else on our mind?

With that I would like a motion to approve the minutes.

MR. HERTZBERG moved to approve the minutes.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Before we adjourn I want to say that next meeting next week will be Monday the twenty-three ten a.m. because of Thanksgiving holiday.

If I could have a motion to adjourn?

MR. FERLO moved to adjourn the meeting.

MR. HERTZBERG seconded the meeting.

And on the motion made by Mr. Ferlo, the meeting adjourned.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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Municipal Record

ONE-HUNDRED THIRTIETH COUNCIL

BOB O'CONNOR..... President
LINDA M. JOHNSON-WASLER.... City Clerk
JOHN R. MASCIO..... Deputy City Clerk

Pittsburgh, PA
Monday, November 23, 1998

PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Diven	Mr. Ricciardi
Mr. Ferlo	Mr. Udin
Mr. Hertzberg	Mr. O'Connor
Ms. McDonald	(Pres't)

The Chair:

Will you all please stand for the pledge of allegiance and remain standing for a moment of silent prayer for peace and hope throughout the world.

We are honored to have two special guests. Melvin Moore, he's in the fourth grade, and his sister Shayla Lyman who is in the fifth grade at Weil Technical Institute. They are here with their teacher, Mrs. Brown, and they live in Sala Udin's District, District Six.

Melvin Moore and Shayla Lyman:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all.

The Chair:

We have a special gift for you. Thank you for coming down, you did a great job.

We have many special guests.

PRESENTATIONS

Mr. Ricciardi:

Thank you, Mr. President. Colleagues with your support I am very honored and proud to present two resolutions today. First resolution, I would like to ask the Rotary Club to please come forward, members of the Rotary Club. I think we have several members.

Colleagues, this great country of ours has been built on immigration throughout the years. We are very proud of the fact that a monthly ceremony happens here in the City of Pittsburgh on Grant Street in the Federal Court House. Sometimes it goes unsung where up to 1200 individuals a year become citizens of this great country of ours.

We know immigrants of all

countries have brought with them some of the greatest resources, resources of intellect, values and themselves. They have really built this country. And I am very proud to recognize the Rotary Club and others that do a fine job to welcome our citizens here in the United States and they have gone unrecognized. They continue to do the work over the years and I thought it was very important to bring them forward today. I would like to start with the Rotary Club.

MR. RICCIARDI PRESENTS:

No. 981 Whereas the Rotary Club of Pittsburgh has hosted and sponsored the Naturalization and Immigration Ceremony, for the past 25 years. The day's events including the administering of the Oath of Citizenship, the presentation of the colors and a "Welcome Reception," every month.

Whereas not only has the Rotary Club of Pittsburgh sponsored this event, but this organization has also been active in many charitable causes throughout the City of Pittsburgh.

In recognition for their sponsorship of the Naturalization and Immigration Ceremony and Reception and other worthy causes, which they have championed, the Council of the City of Pittsburgh officially declares Tuesday November 24, 1998, "Rotary Club of Pittsburgh Day in the City of Pittsburgh.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh declares Monday November 23, 1998, "Rotary Club of Pittsburgh Day in the City of Pittsburgh.

MS. McDONALD moved to adopt the

resolution.

MR. FERLO seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

I would like to ask Mr. David Maxwell if he could please come forward and introduce our guests and maybe say a few words. I was very honored I believe a month or two ago to take part in the ceremony by Mr. Maxwell. I was very, very impressed on what the Rotary Club offers that day to our new citizens.

Mr. Maxwell:

Councilman Ricciardi, on behalf of the Rotary Club we are most appreciative of you making the effort to acknowledge citizenship and naturalization. I would just say briefly that anyone here in Pittsburgh or in this area has the opportunity to go to federal court and see the citizens sworn in many, many years ago they simply passed, their passport was stamped, program was finished in five minutes.

I think everyone appreciates the effort that is made, the citizenship, particularly the sponsors every month throughout Western Pennsylvania that come, these are private organizations. It is an exciting program. Last week we met a number of them to hear them tell their stories, it is fascinating.

So again, anybody with the opportunity to come into court if you would contact the Rotary Club we will be delighted to try to have you come in and attend a ceremony.

I would like to acknowledge Butch Dillon, President of the Pittsburgh Rotary Club. We have a number of us here today, too many, but a second person Carol Nesky, that coordinates the program. Once again, our thanks to City Council for taking the time to recognize this very meaningful program. Thank you.

Mr. Ricciardi:

Carole Nesky was so kind to really help us with the logistics of this event. Carol, I would like to thank you for all your hard work. Thank you.

Mr. Cohen:

If I could just say a word to commend Councilman Ricciardi, for this proclamation. I had the privilege several years ago of speaking at a naturalization ceremony. It really is a wonderful ceremony and one that reaffirms your faith in America because it has the pomp and circumstance of a really wonderful ceremony where people become American citizens.

I know that different groups sponsor this for each month. For example, the professional legal secretaries sponsor one month and a friend of mine Cathy Reed is here who works very hard on it. So I want to thank Councilman Ricciardi for bringing forth this proclamation and thanking all the people who work so hard on it.

Mr. Ricciardi:

We have another resolution. On what Councilman Dan Cohen was saying, a personal note, let me tell you colleagues, I used to be a member of the Rotary Club.

We used to meet Friday morning at six a.m., you know how long I kept my membership in that club.

So our next resolution if I could ask all of our honored guests to please come forward. We have so many people that are with us today. We have representatives of the Boy Scouts, if you could please come forward, and the Girl Scouts of South Western Pennsylvania, please come forward. Members from our East Hills neighborhood and also we have VFW's and the Daughters of the American Revolution, Pittsburgh Legal Secretaries Association, if you could please come forward. Thank you.

It takes a lot of support to pull off such a function. As Mr. Dan Cohen has stated as he spoke there, you would be very impressed with the logistics and just the ceremony itself where it is just such patriotism is just flowing throughout the room.

MR. RICCIARDI PRESENTS:

No. 982 WHEREAS, every year close to 1200 people become naturalized citizens Of the United States in a monthly ceremony that takes place in the United States District Court located on Grant Street in the City of Pittsburgh. Each participant is given the oath of citizenship and thereafter recognized as a citizen of the United States

Whereas, each month the Girl Scouts of Southwestern Pennsylvania and the Boy Scouts of America present the colors at these naturalization ceremonies. Adding both color and patriotism to this event

Whereas, each month the ceremony is sponsored by an area organization. The following organizations are hereby recognized for their support of the Naturalization and Immigration Monthly Ceremonies: the Pittsburgh Legal Secretaries Association, the League of Women Voters, The following Daughters of the American Revolution Chapters: Pittsburgh Chapter, Colonel William Wallace Chapter and the Bethel Fife and Drum Chapter, The Catholic War Veterans Association, the Allegheny County VFW Ladies Auxiliary, the Oakland Kiwanis Club.

Whereas, the following Judges take time from their busy schedule to make themselves available to administer the "Oath of Citizenship" at these monthly ceremonies: Judge Donetta Ambrose, Judge Robert Cindrich, Judge Gary Lancaster, Judge Donald Lee, Judge William Standish, and Judge Donald Ziegler.

The Council of the City of Pittsburgh here by recognizes the above groups and individuals for their support and dedication to welcoming new Citizens as new citizens of the United States of America.

MR. ONORATO moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

We have a group of people. I would like to start with the Girl Scouts of Southwestern Pennsylvania. We have our

Marketing Director Joanne Magestro here with us, Troop 530 and Dilano if she could please come forward and say a few words.

Dilano:

On behalf of Troop 530 which is located in the East End of Pittsburgh, we are a troop that is composed both of senior girl scouts and cadet girl scouts. Present today is Janine, April, Kristin, Erica, Brittany, Dayle, Daniel, and Turquoise.

We are here today and we just wanted to say thank you for having us here. We are very proud to be here on behalf of the Girl Scouts of South Western Pennsylvania.

Mr. Ricciardi:

She did a fine job. And, from the Boy Scouts, Bill McCahill please come forward.

Mr. McCahill:

I represent both my Rotary Club and the Greater Pittsburgh Council of Boy Scouts. But on behalf of the Boy Scouts and 45,000 registered scouts in the greater Pittsburgh Council, I want to appreciate and tell you how much I appreciate your support. I can tell you if from personal experience that all the scouts that take part in this ceremony like much of the citizenship that runs throughout the scouting program, they receive much more than they give. So it is a win, win in my opinion. Thank you.

Mr. Ricciardi:

Also, Pauline Fields please come forward representing the Allegheny VFW

Ladies Auxiliary and introduce people that you have with you.

Ms. Fields:

I want to thank you for recognizing the Allegheny County Council Ladies Auxiliary. We have sponsored this organization for 25 years. I have done it for 13 and I have with me Bonnie Kovalchik who also has been a member for a long time. It's really a pleasure to do this. It's one highlight of our year and everyone should really go to see this. I can't think of the word I want to say, but anyway it is really enlightening and to see all these people become citizens is really heartfelt joy for us. Thank you.

Mr. Ricciardi:

Also Pittsburgh Legal Secretary Association Jean Zappa and Kathy Reed please come forward.

Ms. Reed:

My name is Kathy Reed, I am a legal secretary with a law firm of Dickie, McCamey and Chilcote. I am proud to say I have been there for 21 years. I work with Dan Cohen and I have been a member of the legal secretaries for about fifteen years.

I have attended the ceremony since 1984, the third Friday of every March. With Mr. Maxwell's help, it has been a great ceremony and I have thoroughly enjoyed it. I am glad that I have been able to attend the ceremony on behalf of the legal secretaries. Jean Zappa is also here with me today. Thank you very much.

Mr. Ricciardi:

It is a real team effort. If representatives from the Daughters of America Revolution if one of you could please come forward and maybe introduce your members and your chapters.

Ms. Canon:

Good morning. I am Sarah Canon. I am here representing the Pittsburgh Chapter of the Daughters of the American Revolution. We have participated in the naturalization ceremony for quite some time and they are incredibly moving and touching ceremonies. We present each new citizen with an American flag. To see the messages in their eyes is unforgettable.

I would like to invite all of you who have not visited the Pittsburgh Blockhouse to please do so. Our chapter owns and maintains it and it will give you a connection to Pittsburgh's history.

I am very appreciative and honored to accept this on behalf of our chapter. I thank you and I also thank Mr. David Maxwell and all the members of the Rotary for graciously including us in the participation with naturalization. Thank you.

Mr. Ricciardi:

Thank you. Do we have representatives from the League of Women Voters? And, if not, we also have Catholic War Veterans and the Oakland Kiwanis Club. I think, Phyllis, you are with the Daughters of America Revolution, is that correct? Why don't you come up and say a few words? We all know Phyllis Bianculli who served well with our Pittsburgh School Board.

Ms. Bianculli:

I want to thank you, Councilman Ricciardi, for bringing this issue to the attention of City Council and for your support and to the attention of the citizens of Pittsburgh.

Our chapter the Bethel Fife and Drum Canonsburg Chapter has been involved in the ceremonies for over a dozen years. We are only a 20-year-old chapter now. But the DAR has been involved since 1920. We supply DAR manuals for citizenship to all of the Federal Naturalization Courts in the country. Over 12 million of those manuals have been handed out since 1920.

I must underline every ones statement when they say that this is a very moving ceremony. I have never left the ceremony with dry eyes. And if you come, I am sure you will be just as moved as the rest of us. If anybody thinks the American dream is not alive and well, all you need to do is look in the faces of newly naturalized citizens and you will know that that dream is very much alive. And, that this is a wonderful country.

Thank you for the privilege of recognizing this and allowing us to be here and accept your recognition. Thank you.

Mr. Ricciardi:

Thank you, colleagues.

Mr. Cohen:

Thank you, Mr. President. Councilwoman McDonald and the Park's Special Events Office, please come up here. We are going to give tribute to the

Great Race. Director Gallo, please come up here.

I had an opportunity this year to see the Great Race close up because I run so slowly that I really got to see what everyone does along the way. I run it every year and it seems that my time gets worse and worse. Now Councilman Hertzberg, who is right in front of me here, he didn't really have an opportunity to see everybody in action as much as I did because he whizzed right by and finished by the time I had barely started.

So when I got home from the race a friend of mine asked me if I finished in the top half. I said, well I finished in the half that made the top half possible. But I did want to take a moment to commend the Special Events Office of our Parks Departments, of Citiparks for doing such an incredible job in putting together the Great Race. You really do an amazing job.

Mike Bradley tells me that it is the largest municipal running event of its kind in the United States. The federal government puts on the Marine Corp. Marathon in Washington, but no municipal government puts on a race as large as this and just as organized as this is. This is a race that offers something for everyone. Not only do they organize obviously the race course, but it is not just for adults, it is also for kids. At the end of the race they put on quite a program and give away something in the area of 10,000 bananas and bagels and cokes and everything else.

So I just wanted to read this proclamation and thank the Citiparks Special Events Office for putting on such a

Great Race literally.

MR. COHEN PRESENTS:

No. 983 WHEREAS, the Great Race was founded in 1977 by former Mayor Richard Caliguiri, is produced annually by the City of Pittsburgh Department of Parks and Recreation and was last run on September 27, 1998; and

WHEREAS, the Great Race is funded in its entirety by registration and sponsorship fees; and

WHEREAS, the Great Race is the largest race in this country run by a municipal government; and

WHEREAS, the Great Race has grown from approximately 400 registrants in 1977 to 9,567 registrants this year; and

WHEREAS, the Great Race includes not only the traditional 10K running and wheel chair races, but has expanded to include a 5K run and walk, a Junior Great Race for children 12 and under, a 1 Mile Fun Run for children ages 5-12, a 50 yard Tot Trot for children 4 and under, and a Diaper Dash for children under 3; and

WHEREAS, for the spectators in the crowd, the Great Race has provided a Mascot Race as well as strolling performers, face painting, raffle prizes, and public safety displays; and

WHEREAS, through the years, and especially this past year, the Great Race has maintained the highest quality competition for runners, while creating a festive, fun-filled atmosphere for all which displays Pittsburgh at its best.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the City of Pittsburgh Department of Parks and Recreation for consistently producing a wonderful public event, our Great Race.

MR. FERLO moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

Mr. Cohen:

Thank you very much. I want to have Councilwoman McDonald come up and say a few words about the Great Race and then I would like to introduce the people from the Parks Department.

Ms. McDonald:

I was involved in that one mile Fun Run for the 5 to 12 years old and they beat me. I think next year I will just move on down to that diaper dash.

But I want to commend Parks and Recreation. As I said before when we had budget deliberations for the Parks and Rec. budget, is that they do a great job. They do a great job. They have a Great Race that is well attended. It wasn't until I read the resolution that Councilman Cohen had written that I knew how big the Great Race had grown throughout these years from 400 to close to 10,000 people, and I am sure it will be even bigger.

So again, I commend Parks and Rec. and all the people, the sponsors that make this race possible and also to allow for us to be able to give to a charitable

cause in all the festivities. So thank you.

Mr. Cohen:

I want to personally thank the people who are here and then bring the Director up. Pat Canon and Mike Bradley, of course, who are the Co-Chairs of this race, Co-Directors of the race. Jim Kline, Nancy Burns, Karen Matthews, and Flow McNeal, thank you all for working so hard on this. Let me present this proclamation to the Director of Citiparks, Faith Gallo.

Ms. Gallo:

I am very pleased to have this. I appreciate your bringing it to the attention of this Council. I thank you Council people who run and, Valerie, we will let you run the diaper dash if you want to.

I thank you, Valerie, for her words the other day at our budget hearing. I think she speaks the truth. This entire Parks and Recreation Department works very hard with a stretched budget and special events is kind of our crown jewel. They raise the money to put on some of their events and as the proclamation says this money, this race doesn't cost the city anything. They raise the monies to do it. And I am very proud of this department.

I don't know I am kind of putting you on the spot but, Mike or Pat, could you come up and talk a little bit about it since you are Co-Race Directors, one of you and maybe mention some of the sponsorships that we get for this?

Mr. Kline:

Thank you, Faith, and good morning, President of Council and all of

Council members here present. I appreciate this opportunity.

First, I would like to say that for 21 years in my dealings with the Great Race it is truly an honor to carry on a tradition for a fine Mayor, Richard Caliguiri, and all the runners of the event. It is very, very heart warming to see them come out each year in all kinds of weather conditions and support this fine event.

Certainly I don't want to forget our contemporaries in the field who work the senior citizens centers and work the recreation centers and come out every year and are faithful devotees to the event. Be they runners or not, they really come out and give heart and sole. So, I would like to thank all of those who are from the field to make this possible, the volunteers, as Director Gallo mentioned our sponsors.

We have had a great relationship with the private industry in this town, and Western Pennsylvania to come forth and bring finances to make this possible. Our major sponsors, Allegheny General Hospital, Dollar Bank, Eat'n Park Restaurants, and many, many other sub-sponsors who come forward and bring hundreds of thousands of dollars each year to make this thing possible. We are very grateful for their participation and we look forward to their continued participation of sponsorship.

Once again, I want to thank you for this time and recognition of the Great Race.

Ms. Gallo:

Again, thank you for this proclamation. And we will frame it and

put it down in our hallway.

Mr. Hertzberg:

Before taking the picture, I just want to thank everyone here. I want to thank you for the long hours you put in. I know you're putting them in, and I think a lot of us on Council know it. I don't know if all the runners know it though. All they know is they come out every year, everything works perfectly. They can jump on the bus downtown, takes them out there, gets them to the starting line in the time they need to be there. They run down the streets with 10,000 other people, it is like a sea of humanity moving towards downtown Pittsburgh, all the streets are blocked off, and everything is basically flawless. You get down to the Point, there are a variety of different booths set up for you, the awards are given and then everything just goes and it has been going that way for 21 years.

It is not just going that way because it has been happening for a long time. It is because of all you people and the great job you do and the long hours you put in. I think on Council we know that and we appreciate it.

The Chair:

I think that also holds true to a lot of your special events. We just kind of take it for granted all the hard work that goes into it. Whether it be the Regatta, weeks ahead of time and your preparation. Those of us who use it maybe take it for granted and don't see all the hard work you really do; we all really appreciate it.

Mr. Ferlo:

That's why they deserve a cost of living raise.

The Chair:

We have two to read into the record.

MS. MCDONALD PRESENTS:

No. 984 WHEREAS, Womanpower '98 will celebrate their 10th Anniversary on November 20th and 21st at the Ramada Suites in Downtown Pittsburgh. For ten years, Renaissance Publications has sponsored the Womanpower Seminar for African-American Women to educate, empower, and share experiences and expertise with one another; and

WHEREAS, during the Friday, November 20, 1998 luncheon, Dr. Mona Generett, Vice President of Community Development with Dollar Bank, will be presented with the prestigious Cecile M. Springer Womanpower Award for her accomplishments and commitment to excellence; and

WHEREAS, during the two day event Womanpower will host a variety of dynamic and inspiring guest speakers which include: Gladys Edmunds, the Honorable Augusta "Gussie" Clark, Louise Todd, Reverend Brenda Gregg, Traci Waites, and CCH Pounder; and

WHEREAS, CCH Pounder, an actress, businesswoman and motivational speaker, is the keynote speaker on Saturday. Ms. Pounder is best known for her role in ER and the movie Face Off. Ms. Pounder has a long history in television, theater and movies; and

WHEREAS, Connie Portis, President of Renaissance Publications, has worked diligently and tirelessly with her staff, volunteers, and the community to ensure a successful event for all whom participate in the two-day event.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the organizers of Womanpower '98 as they act as a driving force within the community and join in honoring Dr. Mona Generett, recipient of the Cecile M. Springer Womanpower Award.

MR. UDIN PRESENTS:

No. 985 WHEREAS, on Friday, November 20, 1998 Calvary Baptist Church, family and friends will honor Mrs. Christine Gurley for her years of service in her church and community; and

WHEREAS, she is the mother of 7 children, 22 grandchildren, 17 great grandchildren, and host of youth whom have adopted her; and

WHEREAS, Mrs. Gurley worked with young people for over 40 years. She has worked with young groups such as United Black Voices of Christ, CBC Jr. Church, Jr. Eastern Star, Glen Hazel Food Bank, Glen Hazel Summer, After School Program and Zion Hill Baptist Church; and

WHEREAS, in 1977 Mrs. Gurley purchased her own van to help provide transportation to members at Calvary Baptist Church. Mrs. Gurley continued to be of service until 1997 when her health no longer allowed her to drive; and

WHEREAS, Mrs. Gurley always has a smile for everyone. Her unselfish dedication to others has made a difference in a lot of people's lives.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh joins the Calvary Baptist Church family in honoring Sister Christine Gurley for her dedicated service and invaluable support to the community.

MR. UDIN moved to adopt the resolutions.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Under presentation of papers.

MR. COHEN PRESENTED:

No. 986 Resolution providing for the issuance of a warrant or warrants in favor of Allegheny County in an amount not to exceed \$45,000.00 for copier charges incurred by the City of Pittsburgh for use of the County Print Shop's Docutech machine.

Which was read and referred to Committee on Finance and Budget.

MR. DIVEN PRESENTED:

No. 987 Resolution providing for the issuance of a warrant in favor of the Pennsylvania Commission on Crime and Delinquency in the amount of Seven Thousand Nine Hundred Seventeen Dollars (\$7,917.00) for the return of

unspent grant funds, chargeable to and payable from Community Policing Trust Fund.

No. 988 Resolution providing for the issuance of a warrant in favor of Kasseburg Canine in the amount of \$21,900.00 for the purchase of police dogs for the Bureau of Police, chargeable to and payable from Fund 1000, Subclass 150, Account 525500, Org. No. 210000, Budget Year 1998.

Which were read and referred to Committee on Finance and Budget.

No. 989 Resolution AMENDING, Resolution NO. 750, effective October 17, 1996, which amended Resolution No. 882, effective November 18, 1994, entitled: Resolution providing for a contract or contracts; or the use of existing contract or contracts; or agreement or agreements to purchase a microwave communications system for the Emergency Operations Center and providing for the payment thereof" The amended Resolution increases the amount from \$435,000,000 to \$675,000.00, chargeable to and payable from the Microwave Communications System Trust Fund (MCS).

No. 990 Resolution PROVIDING for the filing of an application or applications by the City of Pittsburgh with the Department of Transportation of the Commonwealth of Pennsylvania for a grant or grants in connection with the Federal, State and Community Highway Safety programs. The Police Bureau has received \$99,573.00 from the State to expand our sobriety checkpoint program.

Which were read and referred to the Committee on Public Safety.

MR. FERLO PRESENTED:

No. 991 Resolution Providing for an agreement or agreements, or use of existing agreements for preliminary engineering, including environmental rewrite, preliminary design, and definition of Scope of Services for final design, in connection with the reconstruction of Fort Pitt Boulevard - Eastbound bridge; providing for a Reimbursement Agreement with the Commonwealth of Pennsylvania; and providing for the payment of the costs thereof. Cost not to exceed \$1,000,000.00.

No. 992 Resolution Further amending Resolution No. 838, effective January 1, 1998, entitled "Resolution adopting and approving the 1998 Capital Budget and the CDBG Program; and approving the 1998 - 2003 Capital Improvement Program" by providing 1998 funding for the design for the reconstruction of the Fort Pitt Boulevard - Eastbound bridge.

Which were read and referred to the Committee on Engineering and Construction.

MR. FERLO moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MS. MCDONALD seconded the motion.

Which motion prevailed.

Also,

No. 993 Resolution authorizing and directing the Mayor and the Director

of Finance and the Budget to sell and transfer all that real property and landslide building known as the City of Pittsburgh River Rescue Center to the Stadium Authority for a sale price of \$2,500,000 representing the approximate cost to the city taxpayers for the construction and related expenses of this recently built municipal facility. **(SPONSORED BY MR. FERLO)**

No. 994 Resolution authorizing and directing the Treasurer of the City of Pittsburgh to make appropriate changes to the City of Pittsburgh's earned income tax regulations and procedures so as to include the requirement of all professional sports players working in the City of Pittsburgh on a part time basis to pay the City's earned income tax. **(SPONSORED BY MR. FERLO)**

Which were read and referred to the Committee on Finance and Budget.

MR. HERTZBERG PRESENTED:

No. 995 Resolution Granting unto Ernest J. Sota, 507 West Main Street, Carnegie, Pennsylvania 15106, his successors and assigns, an encroachment to construct, maintain and use at his own cost and expense, concrete steps on a portion of the right-of-way at 2210 & 2212 Jane Street in the 17th Ward, 3rd Council District of the City of Pittsburgh.

No. 996 Resolution Granting unto Murland Associates, 1 Palmer Square, Suite 300, Princeton, New Jersey 08542, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, guardrails and electrical service conduits

on Iroquois Way in the 4th Ward, 3rd Council District of the City of Pittsburgh.

No. 997 Resolution Granting unto Pittsburgh Riverdogs, 2301 E. Carson Street, Pittsburgh, Pennsylvania 15203, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a two-sided projecting sign over the sidewalk area of 2301 E. Carson Street in the 16th Ward, 3rd Council District of the City of Pittsburgh.

No. 998 Resolution Granting unto Roxanne Runco, dba Body Piercing by Roxy, 2005 E. Carson Street, Pittsburgh, Pennsylvania 15203, her successors and assigns, an encroachment to construct, maintain and use at her own cost and expense, a double-faced projecting sign over the sidewalk area of 2005 E. Carson Street in the 17th Ward, 3rd Council District of the City of Pittsburgh.

No. 999 Resolution CHANGING the name of Verona Place from Lincoln Avenue to a property line 7540.22' feet northwardly in the 12th Ward, 9th Council District of the City of Pittsburgh to Verona Boulevard.

Which were read and referred to the Committee on Public Works, Water and Environmental Services.

MS. MCDONALD PRESENTED:

No. 1000 Resolution providing for the transfer of the amount of Two Hundred Thousand Dollars (\$200,000.00) to Code 45, Health/Life Insurance-Municipal Employees, Non- Departmental Personnel, Account 571100, Fund 1000, Organization 999300, Subclass 040, Budget Year 1998

from the Special Summer Food Service Program Trust Fund in the Department of Parks and Recreation, Account 581140, Fund 2855, Organization 521220, Subclass 600, Budget Year 1998.

Which was read and referred to the Committee on Finance and Budget.

No. 1001 Resolution authorizing the Department of Parks and Recreation to enter into a Cooperation Agreement or Agreements providing for the transfer of an amount not to exceed Twenty Five Thousand (\$25,000.00) Dollars to the City of Pittsburgh Equipment Leasing Authority for the purchase of one vehicle for use by the Department of Parks and Recreation Senior Interests Program.

Which was read and referred to the Committee on Parks, Recreation and Youth Policy.

MR. UDIN PRESENTED:

No. 1002 Resolution authorizing the City Controller to transfer the sum of \$5,000.00 (five thousand dollars) from Misc. Services org. 106000 fund 1000 sub 150 by 1998 to Education & Training org. 106000 fund 1000 sub 030 by 1998.

No. 1003 Resolution authorizing the City Controller to enter into a contract or contracts, agreement or agreements for the purchase of equipment in an amount not to exceed Ten Thousand Dollars (\$10,000.00) and providing for the payment of the cost thereof.

No. 1004 Resolution providing for an agreement or agreements with Charles J. Kolling, Legislative Consultant, for consulting services to assist the City of

Pittsburgh in acquiring state assistance and funding and to work with various agencies of government for the benefit of the City of Pittsburgh during 1999, at an aggregate cost not to exceed thirty-thousand dollars (\$30,000.00) chargeable to and payable from Code Account 1017, Index Code 101709, Account 526100, Sub-Account 150, Organization 102000, Fund 1000, Budget Year 1999, Miscellaneous Services, Mayor's Office.

No. 1005 Resolution AUTHORIZING the City of Pittsburgh to issue a quit claim deed for property in the 18th Ward of the City of Pittsburgh 3rd Council District, known as 34 & 38 Roanoke Street, designated as Block 3-P, Lots 9 & 16, to Helena Scanlon, for the sum of \$100.00.

Which were read and referred to the Committee on Finance and Budget.

The Chair:

Thank you. Is there any unfinished business to come in front of Council?

We will now move to reports of committee.

REPORTS OF COMMITTEES

MR. UDIN PRESENTED:

Bill No. 1006:

Report of the Committee on Finance and Budget for November 18, 1998, transmitting two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 864:

Resolution providing for an agreement(s) and contract(s) with a consultant(s) for professional services in order to provide a report which evaluates various aspects of collective bargaining agreements with the city and providing for the payment of the costs thereof at a cost not to exceed \$20,000. (SPONSORED BY MR. UDIN).

Which was read.

Also,

Bill No. 955:

Resolution providing for the issuance of a \$5,100.00 warrant in favor of Michael & Laura Barry, 1509 Belasco Avenue, Pittsburgh, PA 15216 in settlement of a claim in which claimant's property was damaged due to erosion from water run off due to a City storm drain.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Udin:

Relative to Bill 864, as you know that's the bill that would authorize Council to hire a labor expert to advise Council as to its constitutional obligations relative to ratifying collective bargaining agreements reached between the Mayor and the unions.

The legislation, Mr. President, has been amended in every way possible to try to accommodate the expressed concerns of

colleagues. We have amended it from directing the Mayor and the Solicitor to issue the contract to Council issuing the contract. We amended it from hiring an expert as our first option to seeking pro bono services as our first option. We amended it from not to exceed \$20,000 to not to exceed \$10,000. We deleted the reference to the firefighter's agreement from the legislation. We heard the City's Labor expert Mr. Campbell verify that the language in Act 111 actually means what it says. We even brought Joey King to the Council table to deliberate with Council on the bill. We have done everything that we could to accommodate all the expressed needs of Council and yet there still is not sufficient work done on it to garner a majority of Council.

So we will continue to try to work with Council to accommodate their concerns. Therefore, Mr. President, I would move for a recommitment of Bill 864.

MR. RICCIARDI seconded the motion.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES Nine NOES None

The Chair:

Any other discussion on any other bills? Bills are now ready for final action.

All in favor of the passage of the bills vote aye when their names are called; all opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES Nine NOES None

Bills have received legally required number of votes and have passed finally.

MR. HERTZBERG PRESENTED:

Bill No. 1007:

Report of the Committee on Public Works, Water and Environmental Services for November 18, 1998, transmitting one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 923:

Resolution granting unto Talkol, Inc. dba Bloomfield Drug Store, 4727 Liberty Avenue, Pennsylvania 15224, their successors and assigns, the privilege and license to construct, maintain and use at their cost and expense, a handicap ramp at 4727 Liberty Avenue in the 8th Ward, 7th Council District of the City of Pittsburgh.

Which was read.

The Chair:

You have heard the reading and title of the bill, any discussion on the bill?

Bill is now ready for final action all those in favor of the passage of the bill vote aye when name is called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES Nine NOES None

Bills have received the legally required number of votes and have passed finally.

MR. ONORATO PRESENTED:

Bill No. 1008:

Report of the Committee on Planning, Zoning and Land Use for November 18, 1998, transmitting two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 951:

Resolution approving the Merger of the Southwestern Pennsylvania Regional Planning Commission and the Southwestern Pennsylvania Regional Development Council, Inc., and approving its Membership in the New Organization to be known as the Southwestern Pennsylvania Commission.
(SPONSORED BY MR. HERTZBERG).

Which was read.

Also.

Bill No. 953:

Resolution authorizing the City of Pittsburgh to submit four grant applications to, and execute relevant agreements with, the Pennsylvania Keystone Recreation, Park and Conservation Fund Program.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Ferlo:

Thank you, Mr. President. On Bill 953, this is an important piece of legislation and part of an annual request that we make to the Pennsylvania Keystone Recreation Park and Conservation Fund requesting 50 percent participation from state government on various park improvement activities that we hope to engage in, in the City of Pittsburgh over the next couple of years.

Specifically there are four different projects, one of which is of very much a concern to me. I submitted legislation several months ago regarding the Hess Run Ravine which is a very large wooded area that exists in the tenth, 11th Wards, City of Pittsburgh, adjacent to the Pittsburgh Zoo. It is a large ravine right now that unfortunately is used for various dumping activities by the Department of Public Works. It has potential to add ten or fifteen acres of land to Highland Park formally.

Part of the plan there was to allow future development on the site utilizing both maintenance dollars and capital dollars. Utilizing the Regional Asset District, but on a practical level it is surrounded by both Morningside and Highland Park, both communities and the adjacent communities badly in need of additional and play area. This would hopefully fund -- the request is for about \$581,000 that would actually fund the beginning process of site preparation for additional fields. I want to make it clear that this is just really the beginning of a lengthy planning process, but a planning process that with the affirmative support by the state would actually give us roughly a half million dollars to actually make some of the needed improvements to this site.

I want to assure the residents that live in the perimeter of these communities that are perimeter of the Hess Run ravine as well as area sports teams that we will all sit down together and try to figure out how to prioritize what the needs are for the improvement. We will enhance the wooded area, the buffer that exists currently between the ravine and the residents that live in Morningside and in

Highland Park.

So again, we are making the application today but it's still the beginning of a couple year process that would involve the active community participation and adjoining property owners. I want to thank the department for the submission of the proposal as well.

There is a secondary item being sought funding for roughly \$60,000 to assist the city in doing a feasibility and rethink the programming and permitting of our fields. I think there is a lot of confusion still. It is a big tough job on the part of this staff from Public Works to figure out all the permits each year. There are a lot of different issues involving the permitting of our fields including non-city residents utilizing the fields. What this fee is, and what the cost should be. Restoring some rhyme and reason to the permitting process.

I hope that will be also a very active process that will involve the leadership of the neighborhood teams that are heavily involved in utilizing our available ball fields throughout the city. Thank you.

The Chair:

I had a couple of questions on that. I was approached by the zoo to set up a meeting concerning that land of what it is going to be used for. Ms. McDonald, are you on the zoo board?

Ms. McDonald:

Yes, I am on the zoo board. I apologize, I was reading some other information. But talking about the zoo, I

was approached by a zoo fellow board member who said that they are going to be needing additional property places for the parking lot. So, again Hess Run is an issue that I feel as far as developing it into an athletic field and for recreational purposes is definitely needed.

I applaud Councilman Ferlo for literally leading the way. I mean leading the charge. He dragged me down there and showed me all the things he wanted to do. I said, hey, Jim, where is the money? Well this is part one. This is where the money is going to come and this is only a starting point. But I don't know how it's going to figure in and into the needs of the zoo. But I am sure that as usual we will work it out.

Mr. Ferlo:

We would obviously want the zoo to participate in any discussions with the community. There is enough land there especially at the entrance way off of Baker Street depending on the time of day to also allow the zoo to be able to park cars there. We wouldn't want to gate it or anything but that is certainly something that we could try to work out.

First of all, just while I have the floor, the zoo needs to replace some significant trees that they took down as far as I am concerned inappropriately in the park. I hope that they are going to do a replacement of those oak and maple trees that they took down. But having said that, I am willing to have the zoo obviously participate in any planning group involving Hess Run Ravine.

The Chair:

My point was, since you are neighbors and they may add and enhance what you are already doing. One other question I had on the Keystone grant, I would like your request to Mr. Kolling our lobbyist to see what has come back into the City of Pittsburgh. I know we all lobbied for that when it came in front of us a couple years ago. I would be curious to see how much money has come back to the city and in the way of parks and not only the city but the region.

Mr. Cohen:

On that point, I asked Director Hirsh to provide us that information. Also, comparing what Pittsburgh has received to other portions of the state. She promised that she would get that to us this week. I agree with you, I think we need to look at that because my sense has been that we have not been equal or fair beneficiaries of that Keystone Grant.

The Chair:

We have to. We certainly pay our share.

Any other comments?

Hearing none, bills are now ready for final action. All those in favor of the passage of the bills vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES Nine NOES None

Bills have received the legally required number of votes and have passed finally.

MR. RICCIARDI PRESENTED:

Bill No. 1009:

Report of the Committee on Housing, Economic Development and Promotion for November 18, 1998, transmitting three resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 927:

Resolution authorizing the URA of Pittsburgh to submit an application to the Commonwealth of Pennsylvania for a grant in the amount of \$1,300,000 for the YWCA of Greater Pittsburgh Project. (PRESENTED BY MR. RICCIARDI & MR. HERTZBERG), (Council District 6).

Which was read.

Also,

Bill No. 928:

Resolution authorizing a Cooperation Agreement with the URA of Pittsburgh providing for the designation of

\$1,300,000 in private funds for the YWCA of Greater Pittsburgh Project as the local share for a grant applied for in an application for funds filed with the Commonwealth of Pennsylvania. (PRESENTED BY MR. RICCIARDI & MR. HERTZBERG), (Council District 6).

Which was read.

Also,

Bill No. 929:

Resolution authorizing the URA of Pittsburgh to purchase property in the 11th Ward designated as Block and Lot 83-R-305, 83-R-304 and 83-L-168 from Armil L. Crichlow and Allen R. Hodges for \$260,000 plus costs under the Industrial Land Reserve Fund. (PRESENTED BY MR. RICCIARDI & MR. HERTZBERG), (Council District No. 9).

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills? Bills are now ready for final action. All in favor of the passage of the bills vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin

Mr. O'Connor
(Pres't)

AYES Nine NOES None

MOTIONS AND RESOLUTIONS

The Chair:

Under motions and resolutions.

MR. O'CONNOR PRESENTED:

No. 1010 A resolution appointing Eric Momberger as the labor representative for the review committee described in the contracting out regulations and review act of 1996.

The Chair:

Mr. Ricciardi, that is your bill and the Mayor's appointment as the labor rep.

Mr. Ricciardi:

This is very interesting, colleagues. I think this really sends mixed messages. In the past we have discussed the legislation, the contracting out legislation that we have passed and I have never commented on it because we are really one step ahead of the game. What I mean by that is the requirements and the criteria of the bill do not become effective until five members of Pittsburgh City Council actually begin a privatization avenue. Actually begin not just discussing privatization of public services but actually vote on a resolution or piece of legislation.

So the bill is not effective until that date. But the reason I said this sends mixed messages, by Mayor Murphy now

sending over an appointment that he does have an appointment on the board, I am very pleased that he is doing that because he recognizes the legislation that we passed. Legislation that I think is, to be perfectly honest with everyone, good for public employees, good for taxpayers in the City of Pittsburgh and a good avenue on the best way to deliver services. But the mixed message that he is sending is by waiting for months and months and months and never sending over a nominee. By sending over a nominee it tells me that the administration now is considering privatizing a service or is considering privatizing a department or a bureau.

Is that bad into itself? I think we can discuss it at a later date. But I just want to remind the administration that the contracting out legislation does not really kick into gear until five members are willing to vote on the resolution. But since this has occurred, I would like to ask our City Clerk, Linda Johnson-Wasler, if she could do a few things. Number one, is make sure that all Council members have a copy of the legislation that we all supported.

Number two, I would like to look forward to discussing with members because there is several. I think an appointment that we also have to make to that board and I have someone in mind on this Council that I think would do a wonderful job. I would like to discuss it first with Council President Bob O'Connor.

So again, I am very pleased that the Mayor is sending over a nominee to the review committee. I believe the City Controller also has a seat on that. But it sends a mixed message to me because I

was not aware that the administration was moving full steam ahead in privatizing certain service but this tells me they are.

Mr. Ferlo:

Yes. Mr. President, obviously I can't stop the administration from submitting a nomination. I assume that is at the request and at the will of the Mayor. I don't remember if we make an appointment or a confirmation of that appointee or not, but the nomination. I don't know who the gentleman is, but the nomination of this gentleman to this board now is specifically being submitted for the outsourcing of the billing for the Emergency Medical Services Department.

So I can't stop it from being introduced. But I am not willing to vote to create this panel peculiar to this issue of EMS billing, because we already tabled the bill this year. I think it would be more appropriate if Council were to discuss this whole issue during the Public Hearing before Council on the operation of the Emergency Medical Service Bureau. Because basically what the administration did if I understand this year's preliminary budget is they basically kept the money in the budget, transferred all those staff to another department within the Public Safety Bureau on the presumption that eventually they will outsource the EMS billing staff.

I was hoping that Council would restore those budgeted staff positions to the department. It is almost like the asphalt plant. The administration hasn't passed the means test of explaining to this Council what the cost savings if any will be. The best we can gather from the EMS billing discussion was there was no really significant savings at all to be accrued to

the city budget or back to the EMS trust fund if we privatize or outsource the medical billing. We still had the Controllers Office telling us one thing about the asphalt plant, the administration Mayor's Budget Office saying another thing. And yet the Public Works Management Operating Staff saying a third thing.

So both the asphalt plants and specifically the EMS billing which is the reason why this gentleman is being nominated at this time to the panel. I just think it is inappropriate to act on that until we decide what we are going to do for next year's budget relative to these budgeted staff positions. I think it is still putting the cart before the horse.

The Chair:

I believe we can bring him in, in front of us, if that's the wish of the body for a review. Is that not correct, Linda? So why don't we hold that for a personal interview with him and we can set that time at a later date?

Mr. Ferlo:

I think we should first resolve by way of the vote what the final budget is going to look like. If the majority of colleagues agree with the administration that they want to outsource and not support an amendment to restore the budgeted staff positions in EMS, then I would say in January would be appropriate for this process to start in terms of outsourcing.

I still believe, or at least maybe I am wrong on this, I believe at least the possibility exists that a majority of

colleagues do not want to necessarily outsource EMS billing but want to continue the budgeted staff people within the department. Now there maybe a change of heart on the part of some of my colleagues, which is their prerogative, but I think it should still go through the budget process.

Mr. Ricciardi:

Let me just say I appreciate Mr. Ferlo's remarks, however, I think we should move ahead with the nomination.

Here is the reason. Setting aside the issues that Mr. Ferlo has mentioned, this review committee and this legislation also oversees other services. For example, and the legislation is all coming back to my mind now. Let's take cleaning outsourcing, cleaning out of the recreation centers that, Mr. O'Connor, you have raised an issue. We grandfathered in what other services were occurring in the past. So for example if we spent ten thousand dollars in outsourcing the cleaning of recreation facilities here in the City of Pittsburgh, but if the administration in the future wants to spend ten thousand one dollar, that one dollar now enacts this legislation now for -- of course it will never be \$1 but here is what I am saying.

Say the administration now decides that they spent \$10,000 in outsourcing the cleaning of recreational centers in the City of Pittsburgh. Now they decided to up that next year to \$20,000, from ten to 20,000, that additional \$10,000 will enact the legislation where a special rate would have to be paid.

Number two, in terms of what benefits that person will receive in the

future because the complaint for example on outsourcing cleaning recreational facilities is that the bid is so low that we're not getting a good service for it. Because the people are actually out there getting five, \$6 per hour and that's the kind of cleaning you get, 5 or \$6 per hour.

So what I am saying is I disagree with you, Mr. Ferlo. I understand the issues you are talking about, but I would like to see the review committee finally have some members on it. I believe next year the administration might decide to increase our outsourcing in other services. It is not just well we are talking about when we talk about the plant, the asphalt plant or the EMS billing but everything. Including outsourcing plumbing work, outsourcing carpentry, outsourcing some of the work that was done in front of this building, I recall I think it was steam cleaned.

So this legislation in itself will really oversee other types of outsourcing, other types of private work that is being done by the private sector for the public good. So if you don't object, Mr. Ferlo, hopefully you will reconsider your objection to interviewing this man, but I would like to see the review committee be established for those reasons.

Mr. Ferlo:

My only point is maybe I didn't understand Mr. Ricciardi, but it sounds like he is contradicting himself. He is saying on one hand we should not empower this panel until a majority of colleagues have decided that they want to move towards outsourcing or privatizing or at least looking at the issue. I am saying that this gentleman specifically is

being appointed explicitly for the purposes of outsourcing EMS billing which at least so far the majority of colleagues have tabled that action.

I am just saying that unless he's saying two different things, if I misunderstood you I will correct myself. But I thought you were saying that you didn't feel it was appropriate to move towards the outsourcing issue until such time that five colleagues agree that we should review and look at outsourcing. In this case, while we are putting the cart before the horse, we have yet to decide whether or not we are going to outsource EMS billing.

Mr. Ricciardi:

I understand the misunderstanding. But if I can, I understand the misunderstanding. But regarding the EMS outsourcing, it will require a vote of this Council to do that. Regarding what I was stating we passed certain resolutions. For example and it says not to exceed \$100,000. In that \$100,000 that they've put out certain amount of B contracts but they have never exceeded the \$100,000.

So, let's just say carpentry work for example, and if we have given them the ability to spend \$100,000 and they have only spent \$80,000 in the past. In order to spend up to not to exceed that additional amount of money will be covered by the legislation. So what I am saying, Mr. Ferlo, is that those resolutions we can deal with them, but there is other money in the past where we gave them a general blanket resolution not to exceed and they have not exceeded that. But they might have come in and spent more next year, so I would like to see those additional monies be

protected by this legislation.

This legislation is not to be feared by the way. This was supported by Council members, all Council members and even signed by Mayor Tom Murphy. And as a matter of fact, it was supported by all the public sector collective bargaining unions here in the City of Pittsburgh. So I don't think it is legislation to be feared. I think it's legislation that is good for taxpayers and we should move ahead with interviewing the nominee.

The Chair:

We can set up the interview for next week but the Mayor and us are following the guidelines that we all passed the resolution and in those guidelines requires this.

Mr. Ricciardi:

We are not sure because the committee is not established and the City Controller has yet to maybe review some of the past contracts. I am not sure because that doesn't come before our desk. That is why I think the committee would be tremendous if we could set it up again, if there is no objection by my Council members. I would rather do things as a team here and not have one or two people show some concern.

But the committee is the Director of the Office of Management and Budget, Director of General Services, representative of labor nominated by the Mayor. It is probably this gentleman who I don't know by the way and confirmed by City Council. I made sure we put that in there. Confirmed by Council, Controller of the office, it is the Controller, not a

representative and a representative of City Council. Thank you.

The Chair:

So we have to confirm him. We will interview him next week and we still need our appointee. So we will set the interview for next week.

Next under motions and resolutions.

Mr. Ferlo:

I want to thank Chief Cimino and his staff for their cooperation in moving expeditiously on the demolition of a house this morning on Woolslair Way in Lawrenceville, which had been a site of a two-week vigil for the last couple of weeks with the Lawrenceville Block Watch Network. It has been a crack house, it is abandoned.

I noticed all of a sudden over the weekend, the owner showed up to take the bathroom and copper tubing out of the house, prior to the demolition this morning. It was very pleasant to be a topped with bulldozers this morning to take it down. But I really would like to take some other properties down that this individual owns. We have yet to find out where she lives. I know her phone number. If anyone knows where Mrs. Cats lives I would like to know where she lives so I can stop by her house and door knock her house and talk to her about her slum property.

But I want to thank all involved for their diligence and being militant about getting this house demolished. It was quite a pleasure to put a bulldozer through

the house this morning.

Very briefly on two points, Mr. President. I introduced two bills today and I only raise some very briefly only because we do have a tax hearing coming up. I was wondering if the Clerk could remind the public that at the tax hearing before City Council, the budget hearing, it allows anybody from the community to speak about any taxes lowering, raising, eliminating, adding whatever. So, that is their one shot before Council to talk about any tax issues.

But there is a major difference of opinion between the administration at least myself on the so-called player's tax. I believe the player's tax should be collected. I think it is a misnomer to call it a player's tax. Basically the earned income tax, the wage tax but modifying the regulations to make sure that sports players who earn a salary for part-time work here in the City of Pittsburgh pay the wage tax. The earned income tax as well as much as other working persons in the City of Pittsburgh. So that's one issue.

The bone and contention however is where that money will go? The administration is saying we should segregate that money out, roughly \$750,000 a year. Create a trust fund only yet to give more money of public dollars to private dollars to support the stadia construction. I am very much opposed to that. The bill I introduced today would rather suggest that that money be directed back to the city operating budget, specifically to the Parks Department to fund sports related things.

I think it is an ideal thing for major league millionaire sports players to fund

the city big leagues, the community enrichment program, the NFL flag football costs and all the other associated costs to really start promoting and giving some resources to the Parks Department.

So I think this is an excellent quip pro quo of collecting that earned income and rather than having it go back to the stadia construction, I would ask my colleagues to give consideration to giving it back to the Special Parks Trust Fund for badly needed recreational activities.

Secondly, I noticed that the Stadium Authority Board voted to demolish, it is nice they voted to demolish something that we own, but they did vote to demolish the two to three million dollar River Rescue Center that we built just less than a half decade ago. Just this past few years ago. And I am not sure if they're going to demolish it, but it is going to be owned by the Public Auditorium Authority, or it is going to be owned by the Public Stadium Authority. I am not clear on that.

But in any event, if they are going to be demolishing and taking over property, I think we should be treated the same as any private sector owner on the North shore. Whether it is the senior mid-rise or the office building or Kaufmann's Warehouse or WestCo or anyone else, we should be reimbursed. We have two half million dollars invested in that brand new property. It is a beautiful building and I think that we should be reimbursed.

In the resolution today is requiring that we establish a price of two million five and that we transfer the property, the land side building based on the payment by the either the Stadium Authority or

Mr. McClatchey or the Public Auditorium Authority. I don't care really where it comes from, but I think we should take that money. They should pay that money and that money should go back into the city's capital fund. Since it is a municipal building, I think that \$2 million five should be paid and it should go back to the capital fund to pay for elevators in the City County Building or other kinds of public municipal buildings needs that we have for renovation and modernization.

Mr. Ricciardi:

I don't want to take away from Mr. Ferlo's thunder, but I think that's a very good point that he raised. I really think he should be saluted for that, because I do care where the money comes from. Just the opposite. I do care where the money comes from. I don't want it to come from a public authority which again is just taxpayers really reimbursing themselves and us not really witnessing over all the taxpayers, not really witnessing that the true value of the dollar that should be paid.

I think the money should come from the public teams. I think the money should come into the capital budget and we could use that money for much good. As a matter of fact, we are going to have to look for, I believe, a new facility to house a firefighters vehicle. I think we are going to look for a new facility to hire our paramedics unit. I think we are probably going to have to construct a new river rescue some where on the rivers in the City of Pittsburgh. They are welcomed on the south shore. But all of this is going to cost dollars.

If I may, Mr. Ferlo, you mentioned a resolution. Were you putting forward a

resolution either orally or do you have it in writing, sir?

Mr. Ferlo:

No, I submitted two separate resolutions today. One on the player's tax to fund our little league teams and the other is to require the payment for demolition acquisition of our river rescue center.

Mr. Ricciardi:

I was unaware that he had submitted that resolution. So, I apologize for speaking on it, but I am very pleased he did.

Mr. Ferlo:

Thank you.

The Chair:

Bill will be up for discussion next Wednesday.

Mr. Ricciardi:

Just on a different issue. I am going to be very, very short. I am just curious, Mr. President, on the process of the budget. Many of our colleagues have raised some very, very, I think, good ideas and good points. I want to make sure that there is discussion with the administration on that.

Colleagues, if I could just mention this for example. As you know, in order to get more police visibility and accountability into the neighborhoods including our central business district now when it comes to traffic court we only

have one police officer who testifies on behalf of all police officers here in the City of Pittsburgh. Then if a person, a defendant, wishes to address or be in the company of the person who wrote the ticket, there is a continuance and it appears that it has been working very fine.

I raised that issue here with BBI Chief Cimino when it came to building inspectors. I mean, first of all, it is just mind boggling that our Housing Court only operates once a week. That is just boggling in itself. That should be open every day, but that is another story. But if you go down there on a particular day and I have been there often and I believe it is Thursday's for Housing Court. You will see all of our building inspectors milling around the lobby, the hallways waiting to testify.

So, that means they are not in the field one out of five days. They are only in the field four days. That is 20% of their time is down time. So, I mentioned to the Chief and I think most of us were at the table that why can't we try the same thing that the police do? Why can't we just send one inspector to testify for everyone? That would put the additional ten to twelve people back out into the neighborhoods to catch up on the backlog. Then if there is a defendant who wishes to see the inspector in person, you just have a continuance. It works fine.

Chief Cimino just thought that you know it is something that they looked at and might be willing to look at but didn't think it was a good idea. Didn't think it would work. You know, I respect the Chief but I think it could work. I think we need building inspectors in the City of Pittsburgh. I raised the issue in the past regarding a study they are doing for me. I

believe Mr. Onorato has something coming up on Wednesday, so what I would like you, Mr. O'Connor, to do is and I think Mr. Scott Kunka has done a very fine job. It appears that every time we raise an issue, we get a memorandum that day or the next day regarding some of the questions. But those are really budgetary things. I brought up a policy issue.

So, what I am saying is, Mr. President, if you could relay that policy issue to the administration, but there are other policy issues I know Mr. Paul Hennigan has been sitting in the chambers but are we really talking about policy here? That is something we should really be talking about. I am just curious, is there a process or are they taking any of our ideas with any weight? If so, I am looking forward to seeing a response not just to that one but other things. Mr. Cohen raised something when it came to the police protection program-- the Witness Protection Program I remember two years ago. I believe it was Mr. Cohen's amendment that actually increased that. You raised some very important issues with the Police Bureau, but I hope it didn't fall on deaf ears. Are we going to hear back on this?

The Chair:

What we have done and with Mr. Udin's committee meetings is not only for the budget process but for all our Standing Committees Meetings that we have that follow up in writing. So we will have a much better communications with the Mayor's Office. I believe when we have our committee reports on a monthly basis, that you would have that information and whether you have an answer or not at least

it will be there for you to present to us.

Mr. Ricciardi:

I am not being critical. I just want to be positive and make sure some of these ideas see the light of the day.

Mr. Udin:

I would also remind colleagues that relative to the Housing Court in particular. As you know, the Housing Court issue interfaces with several different departments. The magistrate, BBI, Public Works, and since not all of those different departments were present at the time when the magistrate came before Council for its hearing, its Budget Hearing, we decided at that time to have a special hearing. It has not yet been scheduled. That will deal just with the housing court and we will have not only the Magistrate but the housing court magistrate herself will be present along with BBI and whoever else needs to be present in order to have this policy discussion.

Any other policy discussion that comes to my attention that any colleagues desires to get a view of the administration relative to this budget cycle, I have been willing to try to be Council's representative with the administration to get some consensus from the administration on each particular issue. So anyone who has an issue that needs to be resolved or negotiated during this budget cycle, the earlier we get those issues on the table, the better.

Mr. Ferlo:

I would ask Councilman Udin to please schedule that meeting with the

Chief Magistrate and Judge McLaughlin from housing court and BBI and Mr. Strauff from the Solicitors Office. This grew out of our discussion as Councilman Udin stated about comments that have been made by colleagues about both the effectiveness or the ineffectiveness of Housing Court and the like.

I think it is very important that we have a full attendance by colleagues when we have that so we can know when that hearing is ASAP.

Also, I would like to ask, I know it's difficult because of so many different meetings, but if we could please get as much attendance there as possible. It is very critical. I think there has been some misinformation presented on the issue especially relative to housing court. But I think some points have been made that really needs further discussion and dialogue that I know Councilman Onorato has raised a number of serious issues. This would be a great opportunity to try get a clearer understanding of what is fact and where do we go from here to make things more effective.

So I would hope that we can try to schedule that as soon as possible. I would ask that as much written information that comes from those departments, especially from Judge McLaughlin, I think it would be helpful to add to the discussion at that Budget Hearing. I have two other brief points, Mr. Chairman.

Mr. Udin:

Just on that point before we leave. Another point that Councilman Ferlo makes is a very important one. That is the

attendance by Council members of Budget Hearings. We really cannot develop the policy issues and identify the goals that Council wants to see enacted as clearly as when Council members are actually at the table when each of these departments come before Council for a budget hearing.

I get the impression that the department heads walk away thinking that their department activities or their department budget is not important to Council when they don't see Council members present at the table. I realize that everyone has very busy schedules. But I would ask that the President if he would make an extra effort to prevail upon members of Council to schedule their other activities during these next couple of weeks outside of the times when we have Budget Hearings so as to allow them to be present. They are very important hearings and they need your input. Thank you.

The Chair:

I believe you are following up with I think Council's intentions with not just numbers but goals and problems or what direction they want the department to go. So that input is very, very important.

Mr. Ferlo:

I hope the attendance is there. I wanted to try to better fine-tune this debate we have had for the last couple years. I am not sure where I stand on it. I don't know whether I still understand all the facts. That has to do with whether or not we needed a full time person in the Law Department to follow up on this issue of liens and demolition and all of that kind of legal activities that needs to go on separate from BBI and separate from the

Housing Authority.

I would hope during this budget debate we can get that issue to rest and either budget for it and do it or focus in and do whatever it is that we need to do. I just feel like we just have this kind of dangling discussion here that we haven't brought to resolution. So, I hope that that hearing when we have the Simmons there, we have Judge McLaughlin, we have Chief Cimino, we have Mr. Strauff from the Law Department, we can hone in.

I mean the Woolslair Way is just a glaring example of my frustration and that just is kind of a more visual level of frustration. I mean any one of us could point to problem houses like that that we have. Maybe that can be used as a microcosm to talk about how we get a better handle on building code enforcement.

Mr. Onorato:

On that issue and the previous issue and then I will turn it over to Mr. Cohen. On the housing court issue, it's no reflection on any one individual. I just hope that the meeting is well attended because the system just doesn't work. I have houses that are out of control, property owners that beat the system every day as we speak. I'll be there at the meeting. But I think the testimony we have heard so far that there is only one day of housing court, the problem is we have a 1950 system for the 1990's going into the next century and it just doesn't work. I look forward to debating the issue. I don't think it is because of the individuals, I think it is just because of the policy that has been outdated and we can't keep up with the changing time.

One other issue, I haven't had the privilege of reading Mr. Ferlo's resolution on river rescue, but let me just give you an update, since I sit on the Stadium Authority. Obviously, the Stadium Authority cannot demolish any building that is owned by a private individual or a public entity unless there is a deal cut. As far as I am concerned, this Council didn't pass any resolution yet on that particular building which we are the owners. So, on our side of it there is no done deal yet.

On the Stadium Authority side of it, I am trying to wear two hats here. I made sure and I fought first of all at the beginning not to demolish it, but I lost that battle. I think if you see the plans, we are not going to win that battle. But I gave it the best fight we could. So, the next thing I made sure we did that if there is any demolition of a publicly owned building especially the city that it gets paid for, the demo gets paid for like every other building.

I didn't want the building to pick up the demolition cost of the building we own. That wouldn't be fair. So, that building is being treated like any other privately owned building when it comes to the demolition. It is being picked up by the cost of the plan, Plan B, not the City of Pittsburgh. I didn't like the way the story was written. But to be accurate here, you should be assured as your representative on the Stadium Authority, I am making sure that we get treated equally like the privately owned buildings.

Now, for the other issue, I don't know if we needed a resolution, but I am more than happy to entertain it. But nothing happens to any buildings we own unless the Mayor submits or we submit

bills that address the building. We don't have that in front of us yet. That is something that has to be done here. The Stadium Authority or the Plan B Committee can't tear down one of our buildings unless there is a deal with us like with the private owners and we don't have that yet. So, the check and balance and the safeguards are still there.

Now, I put on my Council hat as we debate that side of it to make sure we get our fair share and fair price for the building that we own. We are slowly moving down that path. So, I can assure you that there is nothing happening that is going to treat our building any differently than a privately owned building over there on Plan B.

The Chair:

I understand as I viewed it that the new baseball park would house the EMS, would have some facility there for them.

Mr. Onorato:

Yes.

The Chair:

I don't know if that's a final deal or not. It is an advantage to the ball teams too --

Mr. Onorato:

There are two proposals.

The Chair:

If we have 30,000 people there, you need EMS there.

Mr. Onorato:

One proposal is that part of the structure of the new stadium will house the individuals. But also, if you recall, colleagues, river rescue is more than just a building. It is also that boathouse that is out on the river. In the proposal, that stays, the river part of it, and then the land part of it which is being demolished could be housed in the new building that is being built somewhere in there.

So, we are trying to keep this here, minimize the cost of relocation if we can keep the boathouse, plus provide a location within the building. So, all of that is being discussed. I will be more than happy to brief Council if you want it more detailed as we move forward. But I can assure you that the city's interests and the ownership of that building will be the same as everyone else.

The Chair:

You're on the Stadium Authority, you're on the Auditorium Authority, there are two members of Council. When all of this comes about, is there only going to be one super authority?

Mr. Cohen:

If I can jump in on that. I don't think that decision has been reached yet. There certainly has been discussion about that of having a single authority, presumably the Auditorium Authority, because it is a city/county authority as opposed to the Stadium Authority, which is just a city authority. But I don't think that that decision has been made.

The Chair:

I thought Mr. Schneider was

already -- what was he appointed to?

Mr. Cohen:

Mr. Schneider is on both the Stadium Authority and the Auditorium Authority.

The Chair:

He is on both now. Okay.

Mr. Onorato:

I will clarify another point for you, Mr. President and colleagues. Mr. Schneider is on both authorities. Also, Mr. Leeper is the Executive Director of both authorities and is the key person to the entire project. But, my understanding and Councilman Cohen can correct me if I am wrong here, because I am not on his authority. Is that while the Stadium Authority is moving forward on a small scale of assembling the land around the stadium, and buying and putting in place agreements even though they haven't closed yet on the sales until we see what happens in Harrisburg, that there is a resolution that was presented in the past by the Auditorium Authority that if funding is in place and they go out on the bond issue to do the deal, that the Auditorium Authority then will basically take over the entire cost of what we are out there paying for. It will fall under one umbrella, the Auditorium Authority. Even the current costs that we are incurring right now.

Mr. Cohen:

Right now it makes sense for both of them to continue moving forward because it has been a good partnership. Everyone talks about the Plan B money,

but in fact there is money in hand yet from any source. Either from the owners, from the local share or as we all know from the state share.

What has happened is the Stadium Authority has front funded a lot of the earlier costs including land acquisition and demolition costs. So we need to have both in place right now and in the future we may end up putting them both together.

The Chair:

I guess my question is where is it going and will Council be part of the new whatever super structure it may be? The Auditorium Authority now is a city, county and actually state facility. We have input there. Will we have input in the new?

Mr. Cohen:

Certainly, if a super authority as you are referring to is created, then we would fight to make sure that a member of Council is on that authority. But that decision really has not been made yet.

Mr. Ferlo:

I want to clarify. First of all, I would just like to thank Councilman Onorato for his leadership on the Stadium Authority Board for raising those issues, which unfortunately were not reported in the news article the other day. But the submission of my resolution today was based on a discussion and a briefing just a week ago by Director Leeper regarding Plan B and stadium issues and all that.

It was clear from that discussion that it was not his intent nor had he even

thought about any issue involving the city being reimbursed for the stadium taking over of our river rescue center building. In fact, it seemed just the opposite, that he seemed a little bit taken back that we would actually be paid two million or something for that building. So that was the sense of why I introduced the bill today.

I also wanted to say, Mr. President, that I had asked Mr. Leeper to forward to this Council an issue in terms of how Plan B directly effects either the operating or the city capital budget? We need to know at some point either adversely or in the supportive way what monetarily will be collected as a result of Plan B stadia construction. Whether it is amusement tax, whether it is parking revenue, what have you.

We are all looking at this issue from one way, I am also looking at it from the point of view when all is said and done, and assuming things go ahead, what actually will be the financial direct budgetary impact to the city's operating and capital budgets. So, I have asked also for that follow up report and I also ask as part of that what are the actual actions that Council legislatively would be asked to vote on? We sort have been out of the loop.

We have never even been asked to vote on whether we want the baseball stadium built where it is. Everything has been presumed for the last four years with no formal vote by this legislative body. So, I would hope that that information is forthcoming and I ask that it be addressed to President and members of Council.

The Chair:

We have in Mr. Leeper's defense, we have set up one or two briefings and usually it was on a day that Council ran over or something like that happens. So I know we had one, but we will continue them and time is very tough around the holidays and budget season.

Mr. Cohen:

On a separate issue, Mr. President, as General Services Chair, one of the issues I have been working on is the renovation of the City County Building and certainly a lot has happened there in particularly the General Service Department Guy Costa and Chet Malesky have been working very hard on that. We certainly discussed that in the past.

I was disturbed to learn at the budget hearing for General Services which was late in the day on Friday, so a number of members missed it that there is no money in the capital budget for elevators. If you recall we have had a lot of discussion about the needs to redo our elevators because they are in such horrible condition. I was reminded about that just this morning when I stepped to get on one of the elevators and I had to step up about a half a foot to reach the elevator. I was wondering whether it would even make it to the fifth floor.

Our elevators are constantly down. There was a plan in place, the plan in place was that for the 11 elevators that are in the City County Building excluding the freight elevators, that the city and the county each year would do two elevators a piece. Would renovate two elevators a piece. They are expensive, they cost about a hundred and seventy five thousand dollars per elevator. That plan I thought was agreed to by both the city and the

county.

Then I found out on Friday from the Director of General Services that there is no money whatsoever in the budget for it. I just want to alert members of Council that I am going to be introducing an amendment to put that back in for our Capital Budget for next year. And, also try to negotiate with the county for them to put the money in so that we can have decent elevators in this essentially city hall of Pittsburgh. And for those line items to be zeroed out at a time when our elevators are probably worse than they have ever been, I think is not a smart move.

So, I just wanted to alert members of Council who were not at the hearing about that issue. It will certainly be coming up when we do a tentative line item vote on the budget.

The Chair:

The cleaning of the building really enriched the building. Councilman Onorato and I walked in this morning together, the new elevators outside, they are a little better inside, but the outside is certainly looking better.

Mr. Cohen:

The painting, yes.

The Chair:

But again, the public keeps asking why the city and county don't work together. Well, we can't work together in one building so, I don't know if this will ever happen. It has been a new administration over there for the last three, four years and it really is mind boggling

that we can't get together and solve the problems of one building. So how are we ever going to work together with 134 municipalities in a large city?

I hope the leadership and the management certainly start working a lot better than they have. Including I just thought about the 911 center. Either we just milk it all together or we start over again. So, far I hope this new county executive works better than in the past.

Mr. Cohen:

I think we made a pretty strong directive at least with the meeting on Friday for there to be one owner of the City County Building and there to be one entity in charge of the cleaning and maintenance of this building. Frankly, I don't care whether it's the city or the county. I prefer it to be the city, but even if it is the county, I would support it so we would have one entity that owns the building and cleans and repairs the building. Otherwise it's a farce. So I agree with you, Mr. President.

The Chair:

My point is they have until May with this new kind of government, who maybe asked the questions of whoever the new executive and County Council how are they going to work with the city? I think we have bent over backwards as far as my couple of years here.

Mr. Ferlo:

Two brief issues. First of all, the administration is out of compliance with the city code as it relates to the Fire Chief. We have a gentleman who's been in the

Acting Fire Chief position for more than three months. We amended the city code requiring anyone in an acting position for director including head of a bureau, in this case the Bureau of Fire must come before City Council for confirmation.

I heard the other day that they are on some national search, that kind of depresses me. I think we have a great number of individuals including Chief Micheli who are more than qualified and deserve every opportunity to serve in the capacity and be paid for the Fire Chief officially, the Fire Chief duties. The gentleman has been working, I think Chief Dickinson left I think maybe in August, I believe.

The Chair:

The 90 days were up last week I believe.

Mr. Ferlo:

Right. It is past the 90 days. I didn't like to hear the view that we are looking around the country. I am not necessarily saying that certain positions we shouldn't hire best talent including others, but the fact of the matter is I think there is best talent right in the Fire Bureau. It is every firefighter's dream to go from the bottom to the top. We have a great chief, the acting chief, if he is going to be the individual, that is great with me. But whoever it is, I think we should -

I would make a motion that the President communicate and require the Acting Fire Chief to come before Council for the confirmation proceeding pursuant to the code of ordinances.

The Chair:

I will send a request letter to the Mayor that he is out of compliance. I will also with my colleagues support urge that we have nine hundred firefighters from all different walks of life with a lot of experience, we have three thousand other city employees, I certainly hope we can promote from within.

I think if the Mayor would look at the past history of the last couple of years of hiring from outside of the region, I think it has backfired on almost every case. So, I would urge them to consider existing firefighters first.

Mr. Ferlo:

I actually made a motion that we do that. Just so it is a part of the record. My motion is to ask the Council President to communicate to the administration and to request that the Acting Fire Chief appear before Council at an appropriate Wednesday session for confirmation, Mr. O'Connor.

MR. ONORATO seconded the motion.

Which motion prevailed.

Mr. Ferlo:

Last thing and it is to my suburban friends. I don't want to steal Councilman Udin's thunder or anyone else, but I thought the city put its best foot forward the other night with Light Up Night. I thought it was a great Sparkle Season or no Sparkle Season. I thought everybody who contributed to the festivities, the leadership of the Downtown Partnership, the police, the fire, the EMS, City Public Works Department, the Mayor's Office

was certainly in the leadership of this activity. Councilman Udin was very visible.

I just want to thank everybody involved. I thought it was one of the best Light Up Night's that I have ever seen in the last 30 or 31 years. I think it was the best promoted and best attended and it was the most excitement. I don't think there were very few incidences of Public Safety at all. It really shows that the downtown is both the living room for the region but also the shopping center for the region.

I would just ask that those folks especially from non-city residents who came and benefited from the activity, that they learn and be sensitive to the fact that we are one city and one region. And, that their well being is very much tied to the economical health and well being of our urban core, the city of Pittsburgh and vice versa. No where is that more demonstrated than the festivities and the ambience of activity that incurred just a few nights ago for Light Up Night.

So, when we talk about everyone paying their fair share to keep the city center core strong and viable, I would ask that when people come down here and partake in the festivities, that they just keep that in the back of their heads. The fact that we don't want a tale of two cities in the sense of the region's suburban communities versus the city. We are really all in this together and they have to be concerned.

So, when we start talking about people only paying a lousy \$10 for an occupation tax and half of the city is tax exempt, I would ask that please, people, be mindful of this issue.

Mr. Udin:

I was going to speak on Light Up Night. I couldn't be half as eloquent as Councilman Ferlo.

The Chair:

Actually, I have Light Up Night here too, it is at the top of my agenda. I was fortunate to see it as a guest of Mr. Hertzberg and the beautiful view of Mount Washington. Again, it was breathtaking. I think the city and everyone involved has to really congratulate themselves.

It was quite a weekend. If you didn't know, the Penguins are in first place. And Saturday night they had their second largest crowd of the season, almost a sell out.

Certainly, we all know what happened to the Steelers yesterday. It was an exciting weekend in Pittsburgh. And even the weather keeps cooperating with us.

I would like to give one note, the Salvation Army has requested, they are short of volunteers for kettles and all 80% of their money raised comes at this time of the season. They do help so many needy people in our region and especially in our city. So, anyone who knows of anybody or has the time to volunteer they would certainly like their support.

Mr. Ferlo:

One minor suggestion about Light Up Night since it was the kick off of shopping, I really believe and I have argued this point every year

unsuccessfully there are four or 500 available parking spaces on the streets in downtown Pittsburgh. I would ask that the administration think of taking the orange cones and paint them something decorative for Christmas or the holiday or Hanukkah or whatever you want to refer to the holiday season as. I think they should put those cones even like one side of Grant.

I mean if you go throughout the core of downtown without disrupting traffic I am talking from like 6:00 on, there is no reason why you couldn't have four or 500 additional on street parking spaces temporarily during the Christmas holiday season shopping season.

I would ask that they just think about it. I mean fortunately they have added a number of meters but there is no reason why a lot of streets and byways can't allow on street parking. There are still some people that will just never go into a parking garage. I don't even think it is cost as much as some people just don't like to go into parking garages.

I would ask that the administration look at that. There is no reason why we can't put some notification, signage, something that looks decent letting people know where they can temporarily park between now and the end of the year.

The Chair:

I believe especially then for special events in the evening, any evening, and Sundays. Sunday this town should be wide open and you can park almost anywhere.

Mr. Ferlo:

If it is a big common event like kick off night, that is one thing because you want to move traffic. But I am talking about the rest of the season now. I really believe you know I have been downtown a lot at night leaving the building and all that, there are a lot of places without disrupting traffic, could accommodate on street parking. I would ask that they do that temporarily between now and January 1.

The Chair:

It is called being customer and business friendly.

We have a few house cleaning things. Tomorrow morning we have an Executive Session, tomorrow morning Tuesday at 9:15 concerning Bill 973.

Also tomorrow will be the Standing Committees Meeting will be held Tuesday, November 24th, at ten o'clock. And I would like to wish everyone a Happy Thanksgiving.

Approval of the minutes?

MR. HERTZBERG moved to approve the minutes.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

I would like a motion to recess this meeting. We may be under a time deadline for the clean up of the LTV site. So I may have to recess and have a final vote tomorrow. But our Legal Department is still working on that. I would like to leave that option open to recess today's

meeting.

MR. FERLO moved to recess the meeting.

MR. UDIN seconded the motion.

And on the motion made by Mr. Ferlo, the meeting recessed.

ADDENDUM

(Recessed meeting of November 23, 1998.)

President Pro Tem:

We recessed to be able to consider a piece of legislation for final action. We are not voting on that piece of legislation today. So, therefore I would entertain a motion to adjourn.

MR. HERTZBERG moved to adjourn the meeting.

MR. UDIN seconded the motion.

And on the motion made by Mr. Hertzberg, the meeting adjourned.

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ONE-HUNDRED THIRTIETH COUNCIL

BOB O'CONNOR.....President
LINDA M. JOHNSON-WASLER.... City Clerk
JOHN R. MASCIO.....Deputy City Clerk

Pittsburgh, PA
Tuesday, December 1, 1998

PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Diven	Mr. Ricciardi
Mr. Ferlo	Mr. Udin
Mr. Hertzberg	Mr. O'Connor
Ms. McDonald	(Pres't)

The Chair:

Please rise for the pledge of allegiance and remain standing for a moment of silent prayer for peace and hope throughout the world.

We have a special guest today Danielle Fuller. She is a student at Brashear High School, and she also takes classes at Robert Morris. She is President of the Hazelwood Youth Council and she volunteers at the Hazelwood Y. Needless

to say, she lives in my Council District.

Danielle Fuller:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all.

The Chair:

We have a gift for you for coming down.

PRESENTATIONS

Mr. Onorato:

Dr. Hirsh, is there anyone else with you? Anyone else with you, bring them forward. Colleagues, this is a familiar proclamation over the last couple of years. It seems to get bigger and bigger every year. I am just going to read it, and we will hear from the doctor and just give us an update on the program.

MR. ONORATO PRESENTS:

No. 1011 Whereas, the Goods for Guns Program in Pittsburgh was begun by Dr. Matthew Masiello, former director of the Pediatric Critical Care Unit at Allegheny General Hospital and current Chairman of the Department of Pediatrics at Conemuth Hospital in Johnstown; and

Whereas, a committee was formed in September of 1994 to begin planning for this campaign with the goal of removing unused and potentially dangerous guns from the citizens of Pittsburgh on a no-questions asked basis; and

Whereas, the Pittsburgh Goods for Guns program, a certified non-profit organization is the largest collection program in the country both in terms of number of guns collected and fundraising ability; and

Whereas, the Goods for Guns program targets people who are willing to give up guns that are no longer in use, including older people whose children may have access to their now unused guns, those with guns in storage, and anyone who had a firearm in their home which, no longer wanted, presents a potentially fatal hazard; and

Whereas, this December marks the successful program's fifth anniversary, representing five seasons of safely disposing of unwanted, potentially harmful firearms and over 4,000 firearms disposed; and

Whereas, the Goods for Guns program will hold a candlelight ceremony on Friday, December 4 at 7:00 at the Calvary Methodist Church featuring a performance by the Men's Renaissance Choir; and

Whereas, the Goods for Guns exchange will take place on Saturday, December 5 and Saturday, December 12 from 10:00 am to 5:00 p.m., at the #1 Fire Station at Washington Boulevard and the Homestead Police Station giving willing

participants the opportunity to trade in unwanted guns for \$50 and \$25 gift certificates;

Now, therefore be it resolved, that the City Council of the City of Pittsburgh does wish to commend the hard work of the sponsors and committee members and of all those who are involved in making the Goods for Guns program a success in the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

MR. FERLO seconded the motion.

Which motion prevailed.

Mr. Onorato:

Do you want to say a few words about the program?

Dr. Hirsh:

Thank you very much, Councilman Onorato and the other Council people and President O'Connor. I would like to say just that this being our 5th year of doing the Goods for Guns Program, we have been able to sweep about a thousand guns a year off the streets of Pittsburgh.

This past year Dr. Masiello, who as you mentioned was the founding father of this program and is still very involved, and I was able to present the program in a national meeting in San Francisco. We are being looked at as the model for gun exchange programs for the country.

We have the statistics backing us up now from the Allegheny County Health Department that show that we have a

statistically significant drop in firearm injuries and fatalities in the groups of ages less than 19 and also in teenage suicides. So although these programs are on a rising trend in other counties of our size, our county has a drop in those rates. We think Goods for Guns has some role to play with that.

I think the excellent work that you all have done in helping beef up our police and our corrections program here in the city have had a role. But we would like to at least take a small role as part of the responsibility for this drop.

So I thank the Council for the opportunity. As you mentioned, the Goods for Guns Exchange is going to be happening this Saturday and the following Saturday at the Number One Fire Station. We are looking for a good turnout. We thank all the people in Pittsburgh and the corporations and foundations that have supported this effort over the past five years.

Mr. Ferlo:

I want to take this opportunity to thank Dr. Hirsh who is no longer at Allegheny General, he is now at Mercy Hospital, a great institution here in the City of Pittsburgh.

Dr. Hirsh in addition to his commitment with the Guns Program is also very active in the Allegheny County Safe Kids Coalition. I just want to applaud him individually for his commitment and for a lot of great work that he does out in the neighborhoods.

The Chair:

He still comes out and speaks on all of these safety issues. Thank you from Frick Park and all the other events I see you at. Thanks for your hard work.

Mr. Ricciardi:

Thank you, Mr. President. Thank you, colleagues. I would like to ask Janet Elder and our other honorees if they could please come forward from AmeriCorps. Over the years we have had nearly 100,000 men and women out there quietly doing public service work and we really should commend and thank all of them.

MR. RICCIARDI PRESENTS:

No. 1012 Whereas, AmeriCorps, the domestic Peace Corps, gives citizens the opportunity to engage in full-time service to their community; and,

Whereas, working through a grassroots network of more than 1,000 national and local nonprofit and faith-based organizations, AmeriCorps members tutor and mentor at-risk children, make schools and neighborhoods safer, clean rivers and restore parks, provide health care in underserved rural and Native American communities, build and rehabilitate homes, and other activities that make our communities stronger; and,

Whereas, since AmeriCorps inception in September, 1993, more than 100,000 men and women have served in more than 4000 communities and have taught, tutored or mentored more than 2 million young people, organized after school programs for more than 500,000 children, established 4,000 safety patrols, built or rehabilitated more than 25,000 homes, planted more than 52 million trees,

and recruited, trained or supervised nearly 2 million volunteers; and,

Whereas, 15 programs from all across Western Pennsylvania represent 400 members who have committed a total of 600,000 hours this year to address the national priorities of education, public safety, the environment and unmet health and human service needs. In exchange for a year of service members receive an education award, valuable training and experience, and the satisfaction of giving back to their communities and country; and,

Whereas, the National AmeriCorps Launch Day will be celebrated on October 23, 1998 and the Pennsylvania celebrations will take place in Philadelphia, Harrisburg, and Pittsburgh. The Pittsburgh celebration of another year of service will take place at Warrington Recreation Center, 329 Warrington Avenue, from 1:00 to 4:00 PM; and

Now, therefore, be it resolved that the Council of the City of Pittsburgh congratulates AmeriCorps on 5 years of service to the people of the United States and declares Friday, October 23, Americorps Day in the City of Pittsburgh.

MR. FERLO moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Colleagues, this resolution was so self-explanatory that it was just mind boggling to hear some of their feats and

accomplishments. I really want to thank all of them and ask Janet if she could please come forward and say a few words. Congratulations.

Ms. Elder:

I am Janet Elder. I am with the Pittsburgh Health Corp. I would like to thank the Council and Mr. Ricciardi for recognizing the services of the over 500 members in Western Pennsylvania.

Members are usually placed at various programs and the service is sort of invisible because the member is associated with the agency instead of with AmeriCorps itself. So the recognition by the Council is much appreciated to the members serving now and in the past.

I would like to take this opportunity to have members from the four different programs introduce themselves and explain what their members do.

Mr. Ayalo:

I also am from the Pittsburgh Health Corps. We have approximately 32 members throughout Allegheny County.

The program is supported by the Allegheny Health Department and also Healthy Start Inc. All of our members work to address unmet health needs throughout the county.

We work in conjunction with Children Hospital, with Healthy Start, with Allegheny County Crime Violence Prevention and also the other prevention programs throughout the Health Department. Our members devote a year

of service to work with needs in the community and the communities where a lot of needs need to be met.

I would just like to thank the members for the work they have been doing out there for the past year.

Ms. Taylor:

Hi, my name is Melissa Taylor representing the environmental stream of service in AmeriCorps. I am the Director of the Clear Corps Program, the community lead education and reduction Corps.

Clear Corps works to provide free paint stabilization services to families who have young children who are in danger of lead poisoning. We also work to provide education throughout Allegheny County to children, parents and other community service providers.

I have 12 very dedicated team members who work hard to address the issues of lead poisoning in Allegheny County and keep our children safe. Thank you.

Ms. Caldwell:

Good morning and thank you again. My name is Denise Caldwell. I am the Program Manager for Literacy in American Corps. We have 33 members expanding, enhancing and supporting literacy services in this city.

Our host agency Greater Pittsburgh Literary Council has as their sole mission to educate adult learners and their families in the City of Pittsburgh.

So we thank you on behalf of all of our members.

Mr. Grey:

Good morning. I am Aaron Grey. I am representing the Key Service Corps, the knowledge to empower youth to success.

We are an education program that goes into schools in Allegheny County and also in the City of Pittsburgh. We work with at risk children trying to tutor them to try to raise their rate of school success and get them involved in their community through community service projects and get the communities involved back with the schools through community outreach programs.

I am also representing the Key's Public Safety Initiative. They are a public safety program. They are in such agencies as the Homestead Police Department, Parental Stress Center, and the Hosanna House. They do programs that work to get young adults off the streets. They have after school programs, they work alongside community police agencies trying to bring communities and the police together through block club organizations, community watch programs.

We have together with my program and our sister program about 50 members all in all throughout the Allegheny County.

So we would like to thank you on behalf of all of them. Thank you.

The Chair:

Staff Sargent Grant, please come up from the United States Marine

Reserves.

This is quite an honor for me to give this proclamation on behalf of all Council members, and especially Councilman Diven and Councilman Onorato and myself. Our fathers were in the Marines and this is an annual tribute to a collection that you have been doing since 1947. I will read the proclamation.

MR. O'CONNOR AND ALL COUNCIL MEMBERS PRESENT:

No. 1013 WHEREAS, United States Marine Corps Reserve Major Bill Hendricks created the Toys for Tots Campaign, one of the nation's flagship Christmas charitable endeavors, in 1947, in Los Angeles, California; and,

WHEREAS, each year, U.S. Marines, with the support of the Marine Toys for Tots Foundation, the Marine Corps League and an array of other organizations, groups, committees, local businesses and national corporations, work tirelessly to collect new, unwrapped toys which they distribute to needy children from December 1st through December 24th; and,

WHEREAS, over the past 50 years, Marines have distributed over 232,000,000 toys to some 116,000,000 needy children across the nation; and,

WHEREAS, last year, the 50th anniversary of Toys for Tots, Marines collected and distributed over 10,000,000 toys and with these toys, brought the joy of Christmas and a message of hope to over 4,700,000 needy children; and,

WHEREAS, in the Greater Pittsburgh area, Marines collected 114,039 toys which were distributed to 29,699 children, while also raising \$25,393.98; and,

WHEREAS, the Toys for Tots 1998 Campaign goal is to surpass last year's figures in both the number of toys collected and the number of needy children reached; and,

WHEREAS, in many communities, Marines, and those who support them, can be found hard at work until late on Christmas eve when they conclude their annual campaign and return home to their own families.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby urge its citizens to participate in the Toys for Tots program; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby extend to the U.S. Marine Corps Reserve its best wishes and heartfelt appreciation for its service to our country and dedication to less fortunate children and their families.

MR. HERTZBERG moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

The Chair:

We have Staff Sargent Grant, but before I bring you up, I don't know if when I was with Pappans and Roy Rogers

we collected in our restaurants every year. It was amazing how many people would see you guys and the ladies in the restaurant would go to the mall and come back with a gift.

One Christmas Eve I got a call from a family in Brookline, their father lost his job and there were three kids. We called the Marines and actually I picked them up and delivered a whole carload of toys. All I did was deliver. But it was one of the most satisfying Christmases I ever had. To see the faces of these kids and the children you help is a miracle.

I want to thank you on behalf of all the Pittsburghers for all the hard work you do.

Staff Sargent Grant:

First of all, I would like to give thanks to President Bob O'Connor for inviting me down here to say a few words. I also would like to give thanks to all the major corporations, all the small businesses and also the individuals. The individuals that help the success of the Toys for Tots Campaign.

Last year we did very well as far as raising toys and cash donations. This year we have a goal of 150,000 toys to collect. We also have a goal of \$50,000 cash donations. So, without the local community, without the help of the large business and corporations out there this campaign would not be a success.

So I would like to give thanks to Council and to President Bob O'Connor for inviting me down here to say a few words. Thank you very much.

The Chair:

We have three less to the 150,000.

Now move to presentation of papers.

MR. DIVEN PRESENTED:

No. 1014 Resolution transferring the amount of \$3,000.00 from Sub Class 010, Salaries, City Council, Account: 511000, Org.: 101100, Fund: 1000, Budget Year: 1998 to Sub Class 150, Miscellaneous Services, City Council, Account: 526125, Org: 101100, Fund: 1000, Budget Year: 1998. (SPONOSRED BY MR. DIVEN).

Which was read and referred to the Committee on Finance and Budget.

MR. FERLO PRESENTED:

No. 1015 Resolution a Contract or Contracts, or use existing Contracts, for the installation of traffic signals poles, hardware and associated civil work in connection with the upgrade of various intersections in the Central Business District including, but not limited to Smithfield Street at Boulevard of the Allies, at a cost not to exceed \$110,000.00.

No. 1016 Resolution amending Res. No. 307 of 1995, "Providing for an Agreement or Agreements, or use of existing Agreements with a Consultant or Consultants for Design Services in connection with the Reconstruction of Ft. Duquesne Boulevard from Stanwix Street to Tenth Street; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; providing

for a Cooperation Agreement or Agreements with the Pittsburgh Cultural Trust; and providing for the payment of the costs thereof," by increasing the total project allocation by \$200,000.00 from \$900,000.00 to \$1,100,000.00.

No. 1017 Resolution Further amending Resolution No. 838, effective January 1, 1998 entitled "Adopting and approving the 1998 Capital Budget and the 1998 Community Development Block Grant Program; and approving the 1998 through 2003 Capital Improvement Program," by transferring \$60,000.00 from Neighborhood St. Improvements to Central Business District Signalization.

Which were read and referred to the Committee on Engineering and Construction.

MR. FERLO moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MS. MCDONALD PRESENTED:

No. 1018 Resolution submitting various requirements for the use of Tax Increment Financing to provide financial assistance to businesses or projects that have been unable to obtain conventional financing. (SPONSORED BY MS. MCDONALD).

Which was read and referred to the Committee on Housing, Economic Development & Promotion.

MR. RICCIARDI PRESENTED:

No. 1019 Resolution Authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh, the County of Allegheny and the Pittsburgh City School District Providing for the Financing, Monitoring, Implementing and Terminating of the Fulton Building Tax Incremental Financing District -- Council District No. 6. (PRESENTED BY MR. RICCIARDI & MR. HERTZBERG).

No. 1020 Resolution Adopting a Tax Increment Financing Plan presented by the Urban Redevelopment Authority of Pittsburgh creating the Fulton Building Tax Increment Financing District, and making certain findings -- Council District No. 6. (PRESENTED BY MR. RICCIARDI & MR. HERTZBERG).

No. 1021 Resolution Taking, appropriating and condemning by the City of Pittsburgh, for public highway purposes, certain property in the 14th Ward of the City of Pittsburgh, owned by Satish C. Wadhawan and Anita Wadhawan, authorizing the payment of just compensation and necessary and incidental acquisition and relocation costs related thereto, and designating the Urban Redevelopment Authority of Pittsburgh as the City's acquisition agent. The real estate to be taken by eminent domain is a 4100 square foot lot fronting on Zama Road, a paper street -- Council District No. 5. (PRESENTED BY MR. RICCIARDI & MR. HERTZBERG).

Which were read and referred to the Committee on Housing, Economic Development & Promotion.

MR. UDIN PRESENTED:

No. 1022 An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article IX, Property Taxes, Chapter 263, Real Property Tax, Section 263.01, Levy and Rate on Lands and Buildings, by levying the real property tax for 1999.

No. 1023 An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article VII, Business Related Taxes, Chapter 245, Earned Income Tax and 246 Home Rule Tax, by fixing the rate of interest on certain delinquent Earned Income and Home Rule Taxes for 1999.

MR. UDIN moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. FERLO seconded the motion.

Also,

No. 1024 Resolution authorizing the acceptance of property by the City of Pittsburgh, known as Greenfield Avenue, 15th Ward, designated as Block 54 N, Lot 288, from Dorothy Giampolo, as this property was conveyed to her and her late husband, Anthony, by the City in error. (COUNCIL DISTRICT NO. 5.)

No. 1025 Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City

Treasurer Sale and Collection Act", effective December 11, 1984, having been placed for sale to adjoining property owners in conjunction with the City of Pittsburgh/City Source Associates Sideyard Program.

No. 1026 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were read and referred to the Committee on Finance and Budget.

The Chair:

Thank you. Is there any unfinished business to come in front of Council? Hearing none, move to reports of committee.

REPORTS OF COMMITTEES

MR. UDIN PRESENTED:

Bill No. 1027:

Report of the Committee on Finance and Budget for November 24, 1998, transmitting two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 918:

Resolution authorizing and directing the Mayor and the Director of Personnel to implement a 2.5 percent cost of living adjustment for all non-union and

non-bargaining unit employees of the City of Pittsburgh retroactive to June 1, 1998.
(SPONSORED BY MR FERLO)

Which was read.

Also,

Bill No. 973:

Resolution providing for the issuance of a warrant in the sum of \$55,000.00 to Mark J. Babuscio, c/o Donald D. Rossetti, Esquire, 2520 Mossdale Boulevard, Pittsburgh, PA 15146, in full and final settlement of the action filed at GD94-16859 alleging personal injury and property damage sustained due to a vehicle collision at Preble and Beaver Avenues on or about October 11, 1992.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Ferlo:

Yes, I would like to thank the Mayor and the administration for their support in relation to the one time bonus being offered to salaried non-union, non-collective bargaining employees for the City of Pittsburgh as well not only full time but the part-time folks. About 700 employees will benefit from this resolution.

I know we're in tough financial times but I don't think it is fair that these group of employees year in and year out don't get the full recognition. I want to

thank the Mayor personally for his commitment. I think he truly believes or recognizes and appreciates the good work of these employees.

It's not a cost of living as I originally wanted. I will take at least the one time bonus. It is a step in the right direction. I hope we can further modify the salary of these folks in the next year's operating budget with a permanent cost of living increase.

Again, this bill is being supported and being offered in the spirit of support from all of my colleagues on Council.

I did see an article in the paper. This bill does not cover City Council or the Mayor or the Controller as elected officials. I saw a note in the paper saying that this bill some how gives us \$500. That is not so.

It is not what this bill is about. This bill is a resolution for a one-time bonus for employees that are mentioned.

I do believe the salary of elected officials should be resolved. I think the best way to resolve it is to follow the dictate of the Home Rule Charter and that is reasonably the elected officials should not get pay grabs or gouge the city budget from time to time. I think we should reasonably have enacted by the Mayor or by the Personnel Director a cost of living increase on an annual basis as the average of all the payroll. That's basically what the Charter implies. If we have to do it by resolution, fine.

This specifically is not dealing with any enumeration for elected officials. This is for salaried non-union employees

in the City of Pittsburgh. Thank you.

Mr. Onorato:

I just want to add I was very disappointed in the accuracy of two stories. When this came across my desk over the last couple of weeks, this was about the discussion of employees in the city that have been taking freezes while other unions have been guaranteed raises.

I really believe we have got a major morale problem where half your city gets raises and half the personnel stays stagnate and gets no raises for year after year. We tried to resolve that or at least throw a bone to the employees that have been taking freezes to say we recognize what you're doing and we are going to give you a \$500 bonus, which is not outrageous. For a story to come as though Council voted themselves a raise, this has nothing to do with our pays. This is about the employees who have freezes.

So, I would really ask anyone that wrote a story in the media to -- first of all its inaccurate, if you would please correct the story and Council is voting a \$500 bonus to employees that have been taking freezes. Our pay is dictated by the Home Rule Charter. We're not allowed to vote for pay raises on ourselves. It is just not allowed. The Home Rule Charter restricts it. It is very clear how Council gets paid and increases are established. We haven't even followed that. We have taken a freeze where the Home Rule Charter says we shouldn't have been frozen. But yet we didn't fight that. We took the freeze because our employees are taking a freeze.

Yet this story some how spun it around as though we were taking a pay

raise and we're not. We actually are taking care of employees that have not received a cost of living adjustment for at least two years. I think it's about time we throw them a little bonus considering half the force is getting three and six percent raises just for morale purposes. Council is not involved here.

I hope the story is corrected. It was very unfair. I don't mind taking a hit if it is accurate, that was an incorrect story, this is about other employees not elected officials.

Mr. Cohen:

It's a question of productivity and morale. You can't keep asking demanding of the employees whether it be union or non-union employees more work for less pay. Because if you don't, if you keep their pay stagnate every year, then it is the equivalent of reducing their pay obviously because of the inflation rate.

So I think this is a way to try to boost some morale and some productivity in our non-collective bargaining units. I commend Councilman Ferlo for bringing it forward. It has nothing to do with our salaries as Councilman Onorato has said. It is governed by the Home Rule Charter and we have not followed the Home Rule Charter. So I would hope that the media would get that right.

Mr. Ferlo:

I want to thank Director Hennigan. He assures us that the checks will be cut prior to December 12, full time \$500 bonus and part-time employees \$375 bonus. Thank you.

The Chair:

On behalf of Council and myself I want to thank you, Mr. Ferlo, for taking the lead. It certainly is a very, I think, proper thing to do and the timing is perfect. The employees in this city work very hard and these are the employees that are paid the least and haven't been recognized for raises in the last two years. So it certainly is, I think, a very positive shot to them to show that they are appreciated and in a small way we're thanking them at the right time of the year.

Bills are now ready for final action. All in favor of the passage of the bills votes aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES **Nine** **NOES** **None**

Bills have received the legally required number of votes and have passed finally.

MR. ONORATO PRESENTED:

Bill No. 1028:

Report of the Committee on Planning,

Zoning and Land Use, for November 24, 1998, transmitting two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 975:

Resolution authorizing and directing the Mayor and City Solicitor to request to LTV Steel Company to be involved in the development of the remediation and reuse plans for LTV's Hazelwood Coke and By-Products plant pursuant to the provisions of the Pennsylvania Land Recycling and Environmental Remediation Standards Act and to request that LTV Steel Company develop and implement a public involvement plan. (SPONSORED BY MR. O'CONNOR).

Which was read.

Also,

Bill No. 969:

Resolution authorizing an agreement (s) with organizations, consultants, or vendors, and providing for administrative/staff costs related to the Neighborhood Public Art Initiative, at a cost not to exceed \$50,000.00, chargeable to and payable from the following account: 500000-5100-110000-PGHR-2221101-1998.

Which was read.

The Chair:

You have heard the reading and

title of the bills. Is there any discussion on the bills?

Mr. Cohen:

On the bill dealing with the Public Art Initiative, I am supportive of the bill. But at the same time, I would like to repeat the remarks I made last Wednesday and that is that -- I am sorry.

The Chair:

Is there an amendment to be put in with this?

Mr. Onorato:

That's by the Director. I will make a motion to amend by substitution. The amendment is in front of everybody. That is why I didn't move. I thought it was the colleagues.

MS. MCDONALD seconded the motion.

Which motion prevailed.

Mr. Cohen:

Now on the bill as amended for the Public Art Initiative, it's for \$50,000 which really is a drop in the bucket when we are talking about public art for a major city.

So I support the bill, but at the same time really urge the administration to come up with a more dynamic and a plan of greater magnitude so we can have some public art in the City of Pittsburgh. We have a statute that requires one percent of all public funds spent on bricks and mortar essentially to be used for public art. That has not been enforced in the past. So

really the city has violated its own laws with respect to say the City Court Building for example, the river rescue building. There was never one percent set aside for that.

Those two buildings alone one percent comes to about \$100,000. So we need to make up for lost time. All though I supported this resolution for \$50 thousand for a Public Art Initiative, we need to address this before we come up with a final budget. I realize there are competing priorities, but this is an important priority and that is to make sure that when we do build structures whether it be the Convention Center or new river rescue building that we also make sure that it has some public art attached to it.

So this bill is a step in the right direction but it is a very small step in the right direction. I would ask that we address this issue before we pass the final budget.

Mr. Ferlo:

Yes. The amendment addresses part of the concern I raised last week at the table and that is the bulk of this \$50,000 should go directly to purchase or pay for art. It should go to artists and people doing artwork, not a lot of consultants or administrative costs.

So I hope the amendment at least is a step in the right direction in that way. But as we discussed last week at the meeting when we discussed this resolution, this really has opened up a whole bunch of different issues that Council really should try to figure out with the administration. I don't necessarily mind voting for this and transferring

basically the \$50,000 and one percent from Engineering and Construction's budget over to Planning. Because it is at least moving ahead and we are getting something out of the deal. I think in Planning with Director Hirsh, it will be more of an effort actually to make more concrete what this art relationship is going to be for the money we have allocated. But it really opened up a whole bunch of different issues that I hope we resolve and maybe the budget conversation we have with Director Reginella and others at the table, the Mayor himself, the issue really is several fold as I raised last week.

The money that will be allocated to City Planning is a step in the right direction. It begins the process of asking community groups and community artists to forward proposals for various types of art pieces on public property throughout the city. I have been approached over the years by a number of artists. I myself have worked on a number of murals. I know other colleagues have helped sponsor wall murals in their respective neighborhood. There are other types of art projects that have been going on, we have been very involved in my community of restoration of important statues in Highland Park and elsewhere. And that really brings up the inadequacy of just this resolution.

We still don't have a budget amount and conscious plan at maintaining and restoring existing sculptures and art work that we in the city own. In fact, really there is not even a strong or delineated listing of what is public art that we actually currently own in public buildings and public parks and public right of ways. We really need to have a cataloging and an assessment of what all that we own.

We don't know all the statues. We have done some work over the last few years restoring veteran monuments as an example. But I would like to have initially in the next few months a list brought up to date as to what public art is owned by the City of Pittsburgh and buildings on its lands, on its parks, on its public right of ways, and byways. So, I would like to see that cataloging happen first. Also, an assessment of what the condition of that art is.

Some art needs to be fixed, I pointed out last week, thank you, Director Costa, from General Services for the cleanup of the City County Building. I noticed the bronze plaques and monuments out in the entranceway to the building have been restored. It is just one example of something that we need to maintain and restore as we go along. So, I hope we can get into a fuller discussion about the existing art work that we own and how we are going to budget reasonably some amount of money each year to maintain that upkeep.

I am supportive of the Planning Commission and the Planning Director working with community art organizations and artists, but there is still work that needs to be done. The resolution, the ordinance art set aside, talks about all public facilities and having to take into consideration art and esthetics. It is not just the City County Building or if we happen to build a new justice center or municipal courts building. The ordinance implies that all the different projects whether it be an expanded Convention Center, whether it is public funding a stadium, all of those kinds of things we have to take into consideration some type of set aside.

So, I look forward to having a fuller discussion on all of these issues. I did close last week with the request that the Honus Wagner Statue be returned back to Oakland. I am tired of every time we have a piece of work of art, instead of replacing it or making something new, we steal it from one park and move it to some where else. That has happened several times in my tenure on Council. I don't know by what authority the stadium required the Honus Wagner statue, it was in a public park at Schenley Plaza between the Hillman and Carnegie Library, it had its particular role and purpose for being there. Honus Wagner was a great progressive purpose.

I don't know how many people know about his own background but he has a lot of views like I do, so he was a great political person. He used to actually write articles for a leftwing newspaper back then. So, he is a good guy as far as I am concerned.

But instead of stealing the statue and bringing it down to Three Rivers Stadium, they should return it back to Oakland, but that is just an example of how we need to better the plan.

The Chair:

You just didn't do third base as well as he did. On the art, I think, Mr. Cohen, you may have asked the question -- Mr. Cohen, did you ask the question where four or five years ago we funded about 50 or \$80 thousand, remember to do the art that was going to go through downtown? Did we ever get an answer where that money is?

Mr. Cohen:

No.

Mr. Ferlo:

I asked Director Hirsh about that request, I don't know.

The Chair:

Please follow up, Linda. I remember what it was for but it never happened. So, I would like to know where the money went. If we can follow up, Linda, then with a second request for that information.

I would also like to thank Council and the administration for the LTV clean up participation by the city and the neighborhood of Hazelwood residents. They have the same input that other areas have had in what the future of Hazelwood is going to look like in the next few years. I think it is very, very important that we play a role. It is the first time the State Act Two has been initiated since 1995 when it was put in that the residents and the city will have a say in clean up. So I think it is going to protect everyone involved.

I want to thank you for your support on that.

Any other discussions?

The bills are now ready for final action. All those in favor of the passage of the bills vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken

agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES Nine NOES None

Bills have received the legally required number of votes and have passed finally.

MR. RICCIARDI PRESENTED:

Bill No. 1029:

Report of the Committee on Housing, Economic Development and Promotion for November 24, 1998 transmitting two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 971:

Resolution authorizing the URA of Pittsburgh to pursue a Tax Incremental Financing Proposal or Proposals for portions of the Second Avenue and Inner Triangle Redevelopment Areas (Council District No. 6). (PRESENTED BY MR. RICCIARDI & MR. HERTZBERG)

Which was read.

Also,

Bill No. 972:

Resolution amending Resolution No. 838, effective January 1, 1998, entitled "Adopting and approving the 1998 Capital Budget and the 1998 Community Development Block Grant Program and approving the 1998 through 2003 Capital Improvement Program" by transferring and renaming a project from Engineering & Construction (Art Set Aside) to Department of City Planning (Neighborhood Public Art Initiative).

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills? Bills are now ready for final action. All in favor of the passage of the bills vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and are:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES Nine NOES None

Bills have received the legally required number of votes and have passed finally.

MR. COHEN PRESENTED:

Bill No. 1030:

Report of the Committee on Lands, Buildings, and Procurement for November 24, 1998, transmitting one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 974:

Resolution amending Resolution No. 182, effective April 20, 1998, entitled, "Resolution authorizing the Citizen Police Review Board to enter into a Lease Agreement for the leasing of the Board's office premises" by changing the terms of the lease.

Which was read.

The Chair:

You have heard the reading and title of the bills. Is there any discussion on the bills? Bills are now ready for final action. All in favor of the passage of the bills vote aye when your names are called; all those opposed voted no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen
Mr. Ferlo
Ms. McDonald
Mr. Ricciardi

Mr. Diven
Mr. Hertzberg
Mr. Onorato
Mr. Udin
Mr. O'Connor
(Pres't)

AYES **Nine** **NOES** **None**

Bills have received the legally required number of votes and have passed finally.

MR. FERLO PRESENTED:

Bill No. 1031:

Report of the Committee on Engineering and Construction for November 24, 1998, transmitting two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 991:

Resolution providing for an agreement or agreements, or use of existing agreements for preliminary engineering, including environmental rewrite, preliminary design, and definition of Scope of Services for final design, in connection with the reconstruction of Fort Pitt Boulevard - Eastbound bridge; providing for a Reimbursement Agreement with the Commonwealth of Pennsylvania at a cost not to exceed \$1,000,000.00.

Which was read.

Also,

Bill No. 992:

Resolution amending Resolution No. 838, effective January 1, 1998, entitled "Resolution adopting and approving the 1998 Capital Budget and the CDBG Program; and approving the 1998-2003 Capital Improvement Program: by providing 1998 funding for the design or

the reconstruction of the Fort Pitt Boulevard - Eastbound bridge.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills? Bills are now ready for final action. All in favor of the passage of the bills vote aye when your name are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES **Nine** **NOES** **None**

Bills have received the legally required number of votes and have passed finally.

The Chair:

Under motions and resolutions.

MOTIONS AND RESOLUTIONS

I would like to make sure we know that there is a Public Hearing at two o'clock today on Bills 925 and 952 concerning the Allegheny Center Development, the old farmers market, the

senior high rise movement.

There is a pre-agenda tomorrow morning before our meeting to interview the Citizens Police Review Board nominee.

Also, there is a Public Hearing tomorrow at two o'clock. It will be Chaired by Mr. Udin for citizens involvement participation in the tax hearing and budget.

Also, a Public Hearing on Thursday, December 3, at 2:00 p.m. on Bill 712 a zoning referendum, I believe, concerning Mount Washington.

Anything under motions and resolutions?

Mr. Ferlo:

Thank you, Mr. President. I guess I should hesitate to enter the fray on Plan B and the events over the last week. I never listened to good advice even my own.

I think the Mayor's unfortunately taken it on the chin over the last week. I still believe and I think whatever the Mayor did or didn't do, I believe he acted in the best interest of representing the City of Pittsburgh. I think he believes strongly in the need to move the city ahead. He believes strongly in the implementation of Plan B. I think he believes strongly that Governor Ridge could deliver and gain the necessary support from the House and Senate. That worked on the Senate side, it got bogged down typical of Pennsylvania politics in Harrisburg at the 11th hour or the 12th hour of that vote.

While he is taking it on the chin, I think we kind of need to get back on course a little bit. I wasn't pleased necessarily to hear Mr. McClatchey. I respect the fact that he wants to speak out clearly about his financial constraints and his time line, but he is hoping to work on. I don't think any saber rattling at this point on his part or threatening of leaving is going to help the situation any. I think basically cooler heads need to prevail right now. While I respect the fact that Mr. McClatchey has a lot of checks to write and has a lot of consultants and contract folks working for him right now that want to proceed and continue to work, I would ask that he withdraw any notion of a December 21st request or deadline or impact date or whatever you want to call it.

I think we need to have some fluidity here, restore and build our rapport once again with the State House and the State Senate and the Governor's Office and kind of get things back on track. I hope at some point the Governor and I would ask the Mayor to please speak to this if he hasn't already this morning.

I have always had a problem with the bundling together of the Convention Center with the two stadiums. I realize on a practical level why that was done or a couple of years ago strategically trying to seek all three and not separating them out. But I want to reiterate my concern that the Convention Center really is a stand-alone project with the increase of the hotel/motel tax money, there is no reason why that shouldn't move full steam ahead.

I also believe that the current capital indebtedness capabilities that the Governor right now has and enjoys he has

the ability and the financing right now to proceed full steam ahead with the Convention Center, with the hotel/motel tax money. It is a building owned by the General Services administration. The state we are asking for something nothing different than what Philadelphia already got several years ago.

So I would ask that there be independent thought and commitment made to make sure that there are no delays whatsoever except for the needed delays of design and esthetics and making sure that we have a world class Convention Center. But I hope whoever is steering the ship, we keep our eyes specifically on the Convention Center and that whatever may or may not get bogged down in the coming weeks, in the next two months, I hope that in no way jeopardizes the full steam ahead approach as it relates to the Convention Center.

In terms of just the practical representation of the city as a municipality in Harrisburg, it was pointed out yesterday in Councilman Udin's hearing on the budget, it was clear Councilman Cohen and others raised the point about what our reimbursement will be from the state for Magistrates Court? We are relying on over \$4 million to assist the operating budget.

There are a whole bunch of other issues that we rely on the state legislature. I know the President came to me this morning with a good idea and I would ask that you follow up on the idea of Council and a delegation meeting with Mr. Dewesse, the House and Senate, republic and democratic leadership. I think if we have a face to face meeting, I think they need to know what our concerns are and

why we very much want to maintain good rapport with the leadership in the House and the Senate on both sides of the aisle.

So I hope you will proceed as President of Council and move on that. But I am a little bit concerned just on a practical level. Since I know Mr. Kolling's contract is coming probably up on a yearly basis, we have a key person who has a lot of expertise and experience, Peg McCormick, who no longer officially, if I understand it correctly, doesn't represent municipal government officially. I believe basically she is working for a number of different entities around Plan B, almost similar to what Mr. Leeper is now doing at the Convention Center and the Stadium Authority.

So I am uncomfortable about the vacuum that is now created. I respect her good work. I know she is going to do a good job in terms of the Plan B plan. But I still think it leaves a vacuum of who actually is representing the city as a municipality in Harrisburg on all different kinds of issues, funding issues included.

So, I would ask that the administration please fill this vacuum as soon as possible. Both in Ms. McCormick's position where we need city government, city operating budget. The Mayor and Council together need that official representation on a day in, day out basis with Harrisburg. And, I don't think she can play that role any more. I think her role is different now. Mr. Leeper's role is different.

I think in a way Mr. Kolling's role is different. I think I have a lot of faith in Mr. Kolling, I think he has done a good job with the city. But I think this

schizophrenic representation of the Rooney's as well as the City and other clients that he has. I think is really coming to conflict and no more than in this last week. I think he can continue to play a role but when his contract comes up, I am going to have to respectfully object or vote no on his continued representation of this city if he is still going to have other clients.

I am not saying he shouldn't have those clients, maybe he wants to have those clients and he can certainly represent them well. But I think we need a person at the position of public relations and promotion and lobbying out of the Mayor's Office in Council. We also need the good services of lobbying. I think both McCormick and Kolling now have different forms and functions in the future.

So I am concerned that during the budget discussion in the next couple of weeks, we kind of resolve this with the Mayor. That is why I was concerned that the Mayor was not able to be there yesterday. But I hope that as Chairman Udin says, he will reschedule a meeting with the Mayor because I think there is a number of issues we need to talk about.

So, in closing, I just want to say I hope the Convention Center is going to proceed full steam ahead. I believe the Governor right now has the money and the resources to fill any commitment on the Convention Center. I think we need to regroup on so called Plan B. I still think a vote is winnable by the House and the Senate. I think we have to sue some relations and build some bridges back with the House and Senate and mostly the House on both sides of the aisle. I still think that is a doable deal.

I do want to say one thing clearly, because people say that when people are speaking out on Plan B they are either being two faced or schizophrenic or they are flip flopping. That has been true for a number of state legislators who they are on TV everyday. I can never understand what they are all about and what their position is. I want to restate mine because I still get calls in my office. I want to make it very clear. I was very much opposed to Plan A, the Regional Renaissance Initiative. I worked hard to defeat it. It was a bad bill. It was a waste of political capital. It was never going to pass, it had no element of tax reform. Everything was wrong about it including the fact that it created a 10 county entity that elected officials and commissioners had no input into, it was a bad deal.

Plan B, and I want to reiterate this to the people in my district who still don't agree with me, I want to at least explain myself. Plan B as far as I am concerned is a no brainer. As an elected Council member I am going to defend Plan B because it is a no brainer. It is basically saying that of an existing ten million dollars that they were already getting, the Pirates and the Steelers from the Regional Asset District Board, we upped it by a little over three million.

So, basically without raising any taxes, without having impact whatsoever detrimentally on the city's operating or the capital budget, we get two brand new stadia, short term big construction projects, longer term adding activity into the City of Pittsburgh economy and the Convention Center. It takes a redirection, a reprogramming of existing RAD funds. I don't see how anybody can be reasonably against it. I respect somebody like Gerry

Boyer, I don't agree with him. I respect those who are in a category that no way would they ever want any public dollars going for private professional sports.

That is a very pure position, I don't happen to agree with it entirely but I respect someone like that. I have a real problem with others that are on the news every night and I don't want to mention names, there are a number of House members. I never understand where they are coming from. They are for it or against it. They are against it, they're for it. I think they have muddied the waters in Harrisburg. I hope, Mr. President, in your meetings that we can maybe set up some meetings with Mr. Walko, Mr. Habay and others that I think we need to have a face to face meeting with and try to clear the air and try to understand where they are coming from. Because they are saying 15 different things depending on what news station calls them. It is very confusing to me.

But I think we need to move full steam ahead. I think this whole thing is salvageable. I hope that the Governor will be as aggressive in the future, he is the point person here. We know locally the Mayor has the upper hand in local matters more than Council because the Mayor has the ability to make things happen and shake and move things. The same is true for Governor Ridge at the state level. We know these State House members want commitments from the Governor.

What I am a little bit upset about is when you saw the intervention of the Governor on the increase of the gasoline tax and you saw the promises and commitments that were made by Governor Ridge including that Mr. Readshaw

getting our youth center at Phillips Park, I mean he went all out to lobby and get those votes. I can name all kinds of projects, all kinds of commitments that the Governor intervened and kept. He has got to do the same kind of thing also today.

I don't feel that that happened last week which lead up to the debacle that unfortunately the Mayor is not taking on the chin. But I hope we can get back on course and maybe we should have not spoken at all about this issue, but I think it is important that we continue to speak openly and publicly about some of these issues. It is very important the future activity here in the city of Pittsburgh. In the end if we do get this construction activity, it will benefit the City of Pittsburgh coffers. I believe there will be increased amusement and parking tax revenue, we need that.

I am disappointed when I keep hearing the talk shows and suburbanites keep calling in and bashing the city and they view themselves as separate and distinct. I mean if we are going to succeed it is going to be both of us together working it out. I mean the suburbanites, I respect the fact that they don't want to live in the city for the perception of schools and what have you, for whatever reason, but many of them earn their income and livelihood as the result of corporations and institutions that reside in this city.

The city is close to 50% tax exempt now. So, I mean there has got to be a little bit of appreciation for the dilemma that we are in also. I think we can greatly benefit from the revenue and wealth that will be generated with the Convention Center. That brings new money into this region. I am very much

for that and I hope no matter what happens we can proceed and not have any delays with the Convention Center. Because I think the Governor and I will close. The Governor right now has enough money in the capital account to fill any obligation or commitment that he has made on the Convention Center. The base core amount of money coming for the Convention Center is really the increase several years ago in the hotel/motel tax revenue items.

So, with that keep the faith.

Mr. Udin:

I just want to congratulate my colleague for being able to fit so many issues into one sentence and one breath.

I also want to use this opportunity to agree with all of what Councilman Ferlo has elaborated on relative to Plan B. However, my perception of Mr. McClatchey's comments are just I think a little bit different. I think he showed great restraint in avoiding threatening either the city or the state quite frankly with exercising his options. I think his words were aimed where they should be at the state legislature and the Governor. Essentially he laid out for them the kind of commitments that he has already began funding in order for the park to be able to open on the scheduled date in 2001 and what is necessary between now and December 21st in terms of the additional spending that has to occur. And, that in order for him to continue to try to keep that schedule, in order to open the park on time, he has to continue spending between now and December 21st. Before he does that, he needs some further assurances that the leadership in Harrisburg will be working in January to

try to make this thing happen.

So I support the intention of McClatchey and the Pirate ownership in not throwing around the options that they legally have at their disposal but making it clear to everyone that they are already spending money. They have to continue spending money between now and December 21st. And, if the leadership in Harrisburg wants to try to help Pittsburgh keep the Pirates in this town, then they need to express publicly greater support for this effort than they have so far.

Mr. Cohen:

Thank you, Mr. President. Since Mr. Ferlo opened the door and Mr. Udin walked through it, I am going to be walking in right behind him.

Let me first talk briefly about Chuck Kolling. Councilman Ferlo's point is certainly a point well taken. I think we need to look at the issue that he raised with respect to Kolling. However since Mr. Kolling's name has been brought up recently, I would like to take an opportunity to give my full 100 percent support of Chuck Kolling in his job of representing the city in Harrisburg.

I think he's done an excellent job. He has been an honest and effective lobbyist for the city and is a man of integrity. I hate to see somebody's perception of their integrity under-minded in anyway when somebody is as honest and as good a person as Chuck Kolling. So I would like to see this Council certainly support him 100 percent in his dealings with Harrisburg and his representation of the city.

That separate from the issue that Councilman Ferlo brought up. On the whole Plan B fiasco, I think it is time now that we have had a Thanksgiving cooling period, that it's time to put recriminations behind us, to regroup and to work together to make Plan B happen. It is too important, it's too important for us to lose it.

It's over \$4 billion in plan development is literally on the line when it comes to Plan B. It is certainly not just the stadiums but the Convention Center. I hope that everyone had an opportunity to look at the plans for the development between the two stadiums, very different from what happened with Three Rivers Stadium. It is actually development that will create a neighborhood between the two stadiums and one that will bring in a tremendous amount of residential, commercial development.

So, all of that really is on the line and what it comes down to is the Governor of this Commonwealth. Governor Ridge promised to make this happen, to get the funds to make this happen and yet he was only able to deliver, although there wasn't a vote, 24 out of 102 republican members of the House.

So Governor Ridge needs to assert his leadership to be able to make this happen for the western portion of this state. Governor Ridge is from Western Pennsylvania; he is from the city where I grew up Erie. We both went to the same high school. I am going to be sending him a letter asking him to show leadership in this area. But it's time to pick up a fumbled ball and for everyone to start running in the same direction. And that ball frankly was fumbled by the state

legislature and also by Governor Ridge.

So if Governor Ridge really wants to be on a national ticket in the year 2000, then I think he needs to show leadership and leadership means when you are confronted with times of adversity that you are able to step up and show what you're made of. And to be able to take the kind of actions that are necessary, to make four billion dollars worth of development happen in the western part of this state.

There are two parts of this state, actually three parts of this state, the Pittsburgh area, the Philadelphia area and the center of the state. He can't just be listening to the Philadelphia lawmakers; he has got to listen to the western portion of this state too.

I personally believe that the Pirates situation is in a crisis. That the Convention Center funding is now a questionable because it's funded through the RAD and the RAD is not going to release funds without getting state funding.

All of that right now is in a crisis. We have done everything that we can here in Pittsburgh, so it's time for the Governor to show leadership.

Mr. Onorato:

I will be real brief, Mr. President. I am not going to get into rehashing what happened the last four days. There appears to be a lot of anger from a lot of different individuals. I think the most important thing right now is to figure out a way.

By the way, I support your

suggestion, Mr. President, to put in writing a letter that hopefully the nine of us can sign that goes to the leadership and the republican party, leadership in the democratic party and to the Governor to figure out a way and to open up communications again.

I don't want to get into a battle right now of pointing fingers of who did what? Who is at fault? That is not going to help us. My concern is in addition to Plan B, there are a lot of financial support we received from Harrisburg. The courts being one, over four million dollars. I want to be very careful here that we don't have a situation where Harrisburg feels or at least the majority of Harrisburg feels that a punishment of some sort would be the defunding of certain items, that would hurt the city directly.

I think it is time that we sent an olive branch from this body to say we understand things happened. We understand a lot of people are upset the way it happened and we don't want to rehash that. But what we want to do is sit down and open up lines of communication on everything in addition to Plan B but the existing funding and the funding that we need every year to keep this city viable.

I'm willing and I am ready at any time if the Council President sets it up to take trips to Harrisburg either as a committee or as an entire body of nine. I think it would be well worth our time and effort to do that in a very short period. Maybe starting out with writing first since they are not in session and planning a visit up there. I think it would be healthy for all of us at this point.

Mr. Hertzberg:

Thank you, Mr. President. I think a lot of the critics of Plan B have been those who have said hey, there shouldn't be government spending whatsoever in these stadiums that are built for our million dollar athletes. That is the kind of arguments that are made. I understand that argument, but I think everyone is forgetting what we currently have at Three Rivers Stadium and the current mix there.

The current mix is a big zero on the private end. There is no private money in Three Rivers Stadium. It is entirely built with government dollars. So that the Plan B to that extent it is not entirely built by private money is a step much further than what we have today with Three Rivers Stadium. I think a lot of people are forgetting that when they are so vehemently opposed to government money being spent on new facilities.

I have got to agree with Mr. Ferlo about from our perspective as City Council members and what is best for the financial health of this city. There is no doubt that Plan B is a big home run for the City of Pittsburgh as far as the increase of revenues on the amusement tax, on the parking tax, and just the multiplier effect on it that I think we are going to see if we can make Plan B happen. Whether it will happen or not, I don't know especially with the events of the last week. I think the lobbying that went on in the effort to try to get the thing passed last week was not the kind lobbying that needed to be done. I think those legislators that were from this area and that were supportive were not really -- they didn't really feel that they were part of the lobbying team. I think some of them can work with the rest of the legislators to try to gather some votes and to try to work some deals. It just

was not done right.

Unfortunately, I think the barrier has gotten even greater now. That is going to have to be overcome in order to get the majority of the votes. Not that it is insurmountable, but it has been made even more difficult by the stealth legislation or whatever you want to call it.

There are some members of the legislature that are now concerned that certain people are not acting in good faith. So you have got some more to overcome. But I think it can be overcome and I appreciate your efforts, Mr. President. We will be happy to participate in any kind of meetings with the state legislators to try to do our part to convince them to vote in favor of Plan B.

Mr. Diven:

I guess it's my turn to chime in on the whole fiasco. One of the things that I looked at afterwards, after seeing what transpired in Harrisburg last Wednesday, was I myself and a lot of the other members on Council have throughout the year accused the Mayor of being cavalier and unresponsive to the needs of this legislative body, or the opinions of this legislative body.

So one of the things that I took from the whole fiasco up there was hey maybe it's not us, maybe it is not a personal thing. He just has a tough time dealing with legislative bodies. So that's one good thing is we don't have to go around feeling like we have done something to the Mayor, it is just that he has a tough time interacting with people in legislative positions.

I would also like to compliment the Council President for taking the time to actually call some of our legislative delegation and start to put a process in place where we can at least get acrossed the importance of building a relationship with members of the House and Senate that represent our area. Because I do think we have some very big financial concerns that are unrelated to Plan B and they need to be protected and insured that next year in the budget especially the appropriation for the municipal courts. I think that would be something that if it blew up at the last minute as a result of the relationship between the Mayor and the general assembly, it would be one that Council would be responsible for fixing.

I think if we can get that message to our local delegation, that kind of a tactic would hurt Council much more than the administration. And, we need to work with them to insure continued funding of viable city programs, but also to start looking at how we can build relationships to go after more state dollars for doing development not only in downtown Pittsburgh or Plan B but in our respective districts as well.

So I want to compliment Council President for your leadership on working to set that kind of relationship in motion. So thank you.

Ms. McDonald:

Just finally, again I applaud your leadership. It seems in a nutshell it seems someone got spanked, spanked good and rightfully so. I didn't agree with stealth legislation. I don't believe in disrespect. If it happened in this Council body, I would be outraged myself. I would be

quite angered.

But none the less, the city should not be spanked, the city should not be spanked and the legislators have to understand that there are over 360,000 people here in the City of Pittsburgh and over one million in the county. We need to make sure that they see our faces, individual faces and this legislative body can be representative of all those other little faces in the crowd that they don't see. All they see is a few principles lobbying in Harrisburg. Well, they need to see other faces.

So, I would just ask for Council President Bob O'Connor to do like we were talking about. He needs to convene, hey Bob when are you going to convene a meeting? We need to have some type of meeting, some pow-wow so we can come together. We have about a month and a half to try to smooth things out a little bit, let them know our situation and let them understand. Just because you are mad at a few, don't get mad at everybody. Don't get mad at the city, the city hasn't done anything to hurt them or to disrespect them.

So, again we have to smooth things out a little bit and I am just curious on would you be willing to have this type of meeting? When, etc? I think we would all be more than happy to participate.

The Chair:

If I can answer that question first, please. Indirectly about six months ago I met with all of the legislators and the State Senators of Pittsburgh. And, through our education effort, in January we were setting up a pattern of meetings with all of

us. They want to meet; they want to be partners.

As you say, we have education issues for our children, we have infrastructure and job issues for our residents, and services for our senior citizens. So, we have a lot to be working together on. Actually I have a whole agenda set up. We were going to announce it after the budget hearings.

But, in light of this, we have been in contact and when I say we, it will be a joint effort. It won't be any one on one, or two or three committees, everyone of you. I think all nine of us have to be involved working with them, working with them with the Mayor or his assistants or separate. However it may be. Whether we go to Harrisburg, but we can't wait that long. We have the Pirate issue in front of us.

So, I will be talking and trying to arrange it within two or three -- within one week if we can all sit down together. As you said, they have to know we all have partnerships whether it be the city or our districts it involves our legislators. We can't let this one good or bad, whatever, we are not here criticizing, it happened we have to move on. But this will happen in the next week.

Ms. McDonald:

We are the ones starting the stuff at the table with the leadership of Councilman Ferlo, just a shot, Jimmy. But we do. We bring up a lot of issues. We can bring up some controversy, but I think it is time that this Council body be in a conciliatory mode, mediation mode. You don't send someone out that -- I mean if

two bodies are mad at each other you are going to need a neutral force.

I think that this Council Body has always had a stance as being more of a neutral. We just want to see the city grow like everyone else. We are different hats, we are legislators. But, I think this is an opportunity to try to help smooth things out a little bit. Again, it is not a slap at the administration. I think that they had a little too much zeal and zest going on there and they got a little bit too happy and things fell apart. But, it is time to step up to the plate for us and try to square things away. Because I don't think that there is enough time for the parties that were involved to really come to some amicable resolution. I think time is at hand and we need to step up to the plate as well.

Mr. Udin:

Perhaps as a last word on this subject in case Philadelphia is listening. We are not unaware of the role that the Philadelphia leadership has played in undermining Plan B. The Pittsburgh and Western Pennsylvania delegation has been consistently supportive of things that have funded Philadelphia to the exclusion of Pittsburgh and when it was time for Philadelphia to step up for Pittsburgh, they declined.

So we have been aiming a great deal of our discussion toward the Governor and I just don't want anyone to think that we are unaware of the role that Philadelphia could have played and did not play. And, as a result has created the problem that we are now facing.

Mr. Ferlo:

I just want one comment back to Councilman Cohen because he spoke about Mr. Kolling. My comments were only selfishly looking at the city's operating budget and the representation of the municipality in Harrisburg and that those individuals have a high identification with Plan B and kind of a single focus special interest agenda. I am just concerned that as we move in the future whether it is the courts funding or a whole bunch of different bills that we need to be concerned about. I am just saying that I think it is appropriate that we have that discussion with those individuals, but nothing in my comments should be --

The Chair:

I have a few things to follow up on. Again on that note whether it be Mr. Kolling or anyone else, I don't believe they work close enough with us. If we are paying, the county is paying, now the Rooney's are paying who is he representing? We have educational issues, senior issues whatever they maybe, I don't know that we have done a good job.

I think you bring up a very strong point who has replaced Ms. McCormick? And this may be for the best. If she is doing Plan B, who is doing the other things? That has to be looked at.

I also want to compliment Council members. I didn't see any strong quotes for or against in the paper or anybody going on any talk shows. I think we all conducted ourselves very well for not being a part of what happened. But I believe we have to play a stronger role in the future of it.

Quite a few issues came up. I

think Mr. Ferlo, what you said, is so much correct. You have the ten percent that are against any stadiums, and ten percent are all for it. But the 80% no one has explained how this money works, it does take a few minutes to explain it to somebody. But, if anybody sees where the money comes from, and what little to nothing it costs the city taxpayers, and also getting that old dinosaur out of there off our backs, which we are carrying right now. You get two new stadiums and a Convention Center, I mean it is a no brainer. You said it exactly right.

Even if you don't like the million dollar ballplayers and all those other reasons, those million dollar ballplayers will get their money some where else if they don't get it here. So, I think if anything maybe we and the administration should detail actually put it in the paper, where this money is going, where this is coming from and what it is costing Joe Taxpayer in Pittsburgh which is almost nothing. So, this is a no brainer plan.

Mr. Ferlo:

I think a lot of times the media and I listen to the talk shows a lot, people hark in back to the fall vote around the Regional Renaissance Initiative, as the vote to say about Plan B. I don't think it's a fair assessment. People were voting against raising yet another one-percent sales tax.

That is a separate and distinct issue from whether or not people want to use or redirect already existing sales tax revenue. I think it's a winnable vote at least in the City of Pittsburgh.

The Chair:

The trouble is, it takes about five minutes to explain to somebody. Unfortunately in a 30 second TV or talk show it doesn't work. If the print media would ever sit down and write it out or the marketing people that the stadiums have, whatever explained it, I think you could get 90% of the people on board. So, there is so much there.

I am disappointed they haven't done a better job of selling it. But, I think it is important we all keep a cool head and watch what is going on and the same thing with Mr. McClatchey. We should be abreast of what is going on because when they need the money to keep it there, we are partners. The city taxpayers are very big partners in that Pirate ball team.

So, we have to be involved with what is going on. There are other criteria's suggested. Believe me, he has to show the money that he has lost, justify that. Again, I want to credit him. I think the last -- I was under the impression at least the last year or year and a half that he was even breaking even. He didn't go out and spend ten million dollars on ballplayers and ran a good business like team. Until baseball fixes itself we may have to live with a 500 team, but that is better than no team.

So, there are a lot of good things happening. Unfortunately the way this thing went down but I for one and all of you that I have talked to, I think we can all roll up our sleeves and play a key role in making this work.

Mr. Ferlo, you may have hit on a very key role of Plan C involves separating the Convention Center, they may even have to separate the baseball

field, maybe that goes first and then two or three years later a football field if nothing else can work. I know the Rooney's may not like it, and I just sent my money in for my tickets, but another year or two to make it all work is not unheard of especially separating the Convention Center. I know you suggested that six months ago. So, there are all kinds of blueprints on the board that can be worked out.

Anything else to come in front of Council?

MR. COHEN moved to adjourn the meeting.

MR. HERTZBERG seconded the motion.

And on the motion made by Mr. Cohen, the meeting adjourned.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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Municipal Record

ONE-HUNDRED THIRTIETH COUNCIL

BOB O'CONNOR.....President
LINDA M. JOHNSON-WASLER....City Clerk
JOHN R. MASCIO.....Deputy City Clerk

Pittsburgh, PA
Tuesday, December 8, 1998

PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Diven	Mr. Ricciardi
Mr. Ferlo	Mr. Udin
Mr. Hertzberg	Mr. O'Connor
Ms. McDonald	(Pres't)

The Chair:

All please rise for the pledge of allegiance and please remain standing for a moment of silent prayer for peace and hope throughout the world.

With us today we have two special guests, Katlyn Manion, she is 5 years old and she goes to Stephen Foster Preschool and Raine Riveria who is also five years old and she goes to Woolslair Preschool. They reside in Council District 7, Jim

Ferlo's District. Welcome, ladies.

Katlyn Manion and Raine Riveria:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all.

The Chair:

Thank you, ladies, you did a great job. We have a little gift for you.

We have many special guests in the audience.

PRESENTATIONS

Mr. Diven:

Thank you. At this time I would like to call up the Brashear City League Championship Soccer Team, girls soccer team, and the coaches Mr. Tony Caggiano and Mr. Jim Gray. I would also like to recognize Mr. Mike Bradley from Citiparks. All of you are aware of the great work he has done for the city and he is a proud father of one of the players on the City League Championship Team. If you want to come up, Mike, you're more than welcome to.

With that, let me take the time to recognize the great accomplishment that this team put together this year winning the City League Championship. I know

when I played for Brashear, I was fortunate enough to play on two City League Championship Football Teams, so it is a great honor. I know that there has been a lot of work that you guys have put into it, a lot of dedication by the coaches, the players and your families. I think you should be commended for the great job that you have done.

With that, I would like to read the proclamation that will go into the record for the City of Pittsburgh.

MR. DIVEN PRESENTS:

No. 1032 WHEREAS, the Brashear High School Girls Soccer Team finished the season with a modest 8-6-2 record overall and an 8-0-1 record against City League opponents and;

WHEREAS, Brashear played Allderdice for the city championship, led by only five seniors and;

WHEREAS, at the end of the game the Brashear girls along with their coaches, Tony Caggiano and Jim Gray, stood as the City League Champions with a final score of 2-0 and;

WHEREAS, this is the first city championship for the Brashear High School Girls Soccer Team since 1990.

NOW THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh does hereby congratulate the Brashear High School Girls Soccer Team on winning the City Championship and commends them for their team spirit and dedication to their school.

MR. RICCIARDI moved to adopt the

resolution.

MR. FERLO seconded the motion.

Which motion prevailed.

Mr. Diven:

With that, I would like to introduce Coach Caggiano and give him the opportunity to say a few words about their season.

Mr. Caggiano:

Thank you, Councilman Diven. I wish to thank the President of the Council and also the entire board. Thank you very much for inviting us here today and for presenting us with this proclamation. Thank you.

Mr. Diven:

Any one from the team want to say a few words?

Darlene Thomas:

My name is Darlene Thomas. I was a senior captain for Brashear Girls Soccer Team. First, I want to say thank you to the Pittsburgh City Council for recognizing us today and to my team. During the season most of you thought that I was being hard on you, but all I was trying to do was make you work as hard as I knew you could. And in the end, all of our hard work paid off.

I never said this before and I probably should have but I am very proud of you and I thank you for making my last season very memorable.

Nicole Paga:

We made it. In a season where we had to work through some rough spots, we did it. It wasn't because of luck or because the other teams didn't have enough talent or because we even had a dominating force, the season was all about heart.

We met the obstacles with the desire to win but most of all our wins weren't pretty, but they were wins. We made it and we will make it again. Thank you.

Mr. Diven:

Anyone else want to say anything?
How about you, coach?

Mr. Gray:

My name is Jim Gray. I am the Assistant Coach. One of the most rewarding things in the city being a city employee is the opportunity to work with young people. I face 128 kids a day who are assigned to me and may not want to be with me, but quite fortunately I had the opportunity to work every day since August 17th except Sunday with the 24 young ladies who are up here. This is a reward, thank you very much.

Mr. Diven:

I would like to thank you guys and hope you keep up the good work. I know Council this year has passed legislation in order to provide more soccer fields for the City of Pittsburgh. I am sure that in the coming years when you guys come back and coach some day we will be able to provide a first class facility for all the future teams. Hopefully they can carry on

the legacy that you guys have started with being City League Championship Soccer Team.

So, thank you for your work and we look forward to bringing you back down next year.

Mr. Ricciardi:

Thank you, Mr. President. I would like to invite all of our guests to come forward please, those who are accompanying Mr. Earl Jones, all come forward. This is regarding the Peace on Earth Holiday Exhibit in the City Council Building.

I think we have a trophy to be awarded also to one our colleagues.
Mr. Jones, good morning.

MR. RICCIARDI PRESENTS:

No. 1033 Whereas, the City Council of Pittsburgh would like to congratulate Earl V. Jones for initiating a "Peace on Earth Holiday Exhibit." This display will be located in the Lobby of the City County Building, where it will be on display for two weeks during December 1998. This "Peace on Earth Exhibit" is created for the purpose of wishing the residents of Pittsburgh a healthy and happy holiday season.

Whereas, this display will feature a drawing for elementary school age children. Prizes will include Christmas trees and cash give-a-ways.

Whereas, the Council of the City of Pittsburgh would like to recognize all the groups and individuals, who helped to make this festive exhibit possible

including: District Attorney Stephen Zappala, National City Bank of Pennsylvania, The Knights of Columbus, Pittsburgh Police, Pittsburgh Firefighters, Pittsburgh Emergency Medical Services, and Bureau of Building Inspections, Pittsburgh Public Schools, the Pittsburgh Catholic Diocese, the Prince Hall Masons, the Masons, and Allegheny County Law Enforcement Officers Memorial, and local artist Pamela Murphy.

Whereas, the Council of the City of Pittsburgh would like to recognize Guy Costa, Director of the Department of General Services for his assistance in providing space in the City County Lobby for this display.

Whereas, the Council of the City of Pittsburgh declares December 8, 1998, "Peace on Earth Day" in the City of Pittsburgh, initiated by Earl Jones.

MR. FERLO moved to adopt the resolution.

MR. ONORATO seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Colleagues, before we recognize our visitors and honorees today, I also would like to thank Councilman Jim Ferlo by all members up here today for donating \$500 to the Allegheny County Law Enforcement Officers Memorial. Thank you, Jim.

As everyone knows this \$500 will go to police forces throughout Allegheny County, some of the smaller ones in order to purchase bullet proof vests. I think

that's very kind of Mr. Ferlo.

I now would like to introduce Mr. Earl Jones. Mr. Jones, we thank you for continuing to push what is so important to all of us, not just festive holidays during December but also Peace on Earth here in the City of Pittsburgh.

After that, we are going ask Mr. Joe Astori representing District Attorney Stephen Zappala to also please come forward.

Mr. Jones:

First of all, I would like to thank everyone that has been involved in this campaign. Every day is a Christmas present when these gentlemen here donated towards each and every Councilperson donated a gift towards these children, which is a wonderful thing.

I am honored here because there are so many people involved in this to make it possible. I don't know how I will ever begin to thank them. I would like to thank Jim Ferlo for arm wrestling Santa Claus even though he lost. I think it was rigged, Jim.

The Chair:

It was close.

Mr. Jones:

I would like to thank Bob O'Connor for starting the contest. So I would like to also introduce some of the people that are involved in this doing a wonderful job. So I will call them up one by one and I would just like to thank you for everything you have done for me. The

children have a chance of winning gifts downstairs up to \$750 a top prize. All you have to be is a member of our school, child in elementary to register downstairs in the next couple of days. So one by one I will introduce you.

Representing Mr. Steve Zappala, District Attorney, Joe Astori.

Mr. Astori:

Good morning, I am Joe Astori. I represent District Attorney Steven Zappala. On behalf of Mr. Zappala he thanks you all and commends you all on a job well done.

It's a pleasure to be here this morning on such a joyous occasion. As Mr. Zappala states our children are our future. We are also understanding that the money that was donated this morning is in fact going towards Christmas gifts for our children, that's very important.

So with that, thanks once again for having us. Mr. Zappala thanks you as well and may all of you have a Merry Christmas and God bless you. Thank you.

Mr. Jones:

Now I would like to present a gentleman from National City Bank. National City Bank has been my biggest sponsor over the years helping me to promote Peace on Earth, not only in this country but also Russia. And I can't say enough nice things for them, so I will introduce the representative of National City Bank.

Mr. Pachotti:

My name is Guy Pachotti from National City Bank. we are again happy to sponsor this great festive event. Thank you.

Mr. Jones:

Representative of the White Masonic Lodge, E. Charles to say a few words if he will, please.

Mr. Salentsky:

Hello, I am E. Charles Salentsky. Council President, elected Council members, distinguished guests and friends, the festive occasion we celebrate here is a reminder to all that mankind cares and is capable of reaching beyond the challenges of every day life. As we witnessed on the first floor when Councilman Ferlo met the challenge of Santa, the joys of friendship and the sharing of gifts are all part of the American dream, a reality to a wholesome existence.

Franklin Saint Johns Trinity Lodge, Free and Accepted Masons of Pennsylvania, the members and I are pleased to be active participants in this blessed event and give thanks for being in a city that recognizes positive, progressive concern. We wish all a happy holiday season and Merry Christmas.

Mr. Jones:

And I would like to represent the Prince Hall Masons; there is no member here today. Prince Hall Masons is a Masonic Lodge that is black. The other masons are white, but they have to be distinguished so you know that there are two branches of Masons.

Now I will be honored to have a representative from the Knights of Columbus, he came out here out of the hospital to be here today. I can't say enough for this gentleman.

Mr. Kane:

Good morning everyone. I am very happy to be here today. The highlight of my day was the defeat of Jim Ferlo. It took a long time for City Council to figure out how to beat Jim, but Earl Jones did it easy. He brought a ringer in from the North Pole and Santa Claus lived up to his name.

You know there are only 18 more days until Christmas. So you have to get all that Christmas shopping done and the first thing to do is teach your children how to be good so Santa Claus visits them.

When I was a youngster if you weren't good you got a piece of coal in your sock. Now you don't even have coal to put in your socks any more.

But you have 18 days left to teach your children how to be respectful to other people, to realize that there is a life on earth for everyone not just a few individuals.

Be good to your children and maintain peace and try to teach your children to be good. Thank you very much.

Mr. Jones:

I would like to present a police officer from Allegheny County to say a few words.

Mr. McNowski:

My name is Ray McNowski. I am a representative from the Allegheny Law Enforcement Officers Memorial but I am also the project chairman of blue light. We are trying to get people to put blue lights in their windows at the holiday season to honor officers who serve out there on the streets. It gives the officers a chance to see that they have support from the people that they're trying to protect.

The blue light represents the thin blue line of police between the criminal and the public. So with that blue light being shown it is something that officers will be able to see.

Since we're all talking about Councilman Jim Ferlo, I would like to congratulate him on losing because when he lost he gave us a check for \$500 for the Law Enforcement Officers Memorial. Again, thank you very much, Councilman.

Mr. Jones:

Now I want to introduce a very talented young lady, she is devoting a lot of her time to promote this Peace on Earth Campaign. She's not only greatly talented, she is a wonderful person and as the Hungarians will say sometimes, she was born with a kind heart.

Ms. Murphy:

Hello, I am Pamela Murphy. I am here with Earl Jones today because I believed in what he was doing with the Peace on Earth Campaign. I want to donate something from myself and from the Allegheny County Register of Wills, David Wecht, the Allegheny County

Coroner's Office, Dr. Cyril Wecht, our banner showing the unity of mankind and Peace on Earth as we hope it will be.

I am a strong believer of we are all created equal.

We also are giving to Mr. Jones for his campaign a limited edition print and a porcelain doll which the prints are from myself, I am the owner of Dye and Designs, I am a local Pittsburgh artist. My artwork was inspired to me from my father who was the late County Police Officer Patrick Murphy who taught me to draw as a child. I am very proud of him and I am doing some volunteer work with the county police, myself. I have been honored to write the book on the history of the County Police from 1932.

I would like to do things for Pittsburgh, for my community and for the county. I have been gone for almost the past 20 years; I just came back this year. I am proud to be a Pittsburgher, to be here and I am just a devoted person. I would like to help in whichever way that I can. I am glad that I met Mr. Jones and I am glad that I am here today. Thank you.

Mr. Jones:

Now I would like to introduce all the children's hero, Santa Claus, Mike Kelly, the strongest fireman I know, Number 13 Firehouse. I didn't tell Mike before he wrestled him though. Santa Claus, will you say a few words?

Santa Claus:

Ho, Ho, Ho. I want to thank Mr. Ferlo for the match, that is the second time I arm-wrestled him. I just want to wish all

the children and everybody and their families a very Merry Christmas and above all a very safe and happy holidays. Thank you.

Mr. Jones:

Now, I would like to introduce the shy one in the family, my wife.

I guess what I am trying to say if you are married to Mrs. Santa Claus, every day is Christmas. We have been married a long time I can say that. I just wish everybody has a healthy and happy Christmas and God bless all the people who have helped me in this campaign. I hope some day there is an opportunity I can repay you the favor. Now here is Mrs. Santa Claus.

She can always talk at home, but she can't talk in front of a mic. Thank you ever so much, and Gene. Thank you not only to Council people but their staff, they do a wonderful job, sometimes they are not mentioned. And like I say, if there is someone I forgot, please forgive me. All my speaking here is for the best intentions and Merry Christmas to everyone.

Mr. Ricciardi:

I just want to say, colleagues, Jim Ferlo is much smarter than some people give him credit to be. Can you imagine the march on this building by our young people if he would have beat Santa Claus in arm wrestling? It would have been a true problem.

Thank you, colleagues. Once again, special thanks to District Attorney Stephen Zappala, City Controller Tom Flaherty, and Register of Wills David

Wecht, for all their help.

The Chair:

Will the students from Pitt Project Tutor please come up? Thank you all for coming down. Actually, I don't know if we have done a proclamation for you or not in the last couple of years. I apologize because I was one of the founders.

This is an organization started by a group of us from students from the University of Pittsburgh who go in and tutor youngsters that started out to be Gladstones for Gwen and Saint Stevens and now we have added South Vocational Tech. They do one on one tutoring, we have tutored over a 100 children every year.

It shows the volunteers from the University are very, very willing to help. I believe we can really expand this program some day. So, it's a good pilot program, but it has been going on for a couple years.

I want to thank you all for coming down, I know you want to get back to school so we won't keep you too much longer. Did you tell Santa what you wanted?

MR. O'CONNOR AND ALL COUNCIL MEMBERS PRESENT:

No. 1034 WHEREAS, Pitt Project TUTOR (Teaching and Understanding Through OutReach) began in 1993, in an effort to bring capable college students interested in voluntary community service together with elementary and middle school children who would benefit from a tutoring-mentoring relationship; and,

WHEREAS, Pitt Project TUTOR has enjoyed the involvement of Project IMPACT, St. Stephens School, Burgwin Elementary School and Gladstone Middle School; and,

WHEREAS, Pitt Project TUTOR provides guidance for tutors in planning and implementing tutorial activities. Each tutor is assigned one student from one of the program sites, where literacy, mathematics and problem-solving skills as they help the children find value and meaning in their life experiences and education; and,

WHEREAS, in addition to sending volunteer undergraduates to St. Stephen and Gladstone Schools in Hazelwood, the Project sent Professional Year students from Pitt's School of Education to tutor during school as part of their coursework, providing one-on-one tutoring to ninth graders at South Vocational Technical High School; and,

WHEREAS, with the cooperation and assistance of the Principals of Gladstone, St. Stephen's and South Vocational Technical High School: Dr. Valerie Harris, Sr. Ann Maurice Toomey and Dr. Lamar Lee and Community In Schools Coordinators Monica Galore and Carmelita Korbett, the following tutors and students benefited from involvement in Pitt Project TUTOR:

PROJECT TUTORS

Loni Burdis	Jaime Donahue
Dana Kalowsky	Jeremiah Dugan
Jamie Lucas	Jim Endler
Allison Pilipovich	Thomas Eperjesi
Camille Price	Monica Erwin
David Breslaw	Christa Hoffman
Barbara Koval	Bryan Jacobs

Sara Mrljak
Sherry Parikh
Colleen Phillips
Megan Rivet
Jill Swavey
Scott Brewer
Courtney Burchett
Shameca Crenshaw
Jen Ann Crist

Tom Lavelle
Leslie Peterson
Bradley Pflugh
Richard Ruben
John Tagg

PROJECT STUDENTS

Brandon Sawyer	Ralph Brown
Shevelle Davis	Anthony Bruno
William Frazier	Unique Brown
Jermaine Shannon	Latasha Finley
Shavonn Davis	Kimberly Ford
Vegas Lesesne	Brian Francis
Monique Lewis	William Hopkins
David Tompkins	Mirrio Hudson
Brittany Andrews	Ivey Jason
Michael Butler	John Jennings
Timmy Tompkins	Summer Kerley
Courtney Connolly	Regis Knorr
Andrew Rivett	Ashton Longenecker
Elise Rush	Nicole Love
Desiree Wilson	Erica Morgan
Tiffany Boehm	Bradley Scott
Jyuan Brock	Talawna Smith
Joseph McHenry	

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does thank Pitt Project TUTOR Director Dr. Shirley A. Biggs and Tutor Coordinator Sandy Wettig for their hard work; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby extend to the tutors and students its best wishes in a productive school year and hereby declares Tuesday,

December 8, 1998, "Pitt Project Tutor Day" in the City of Pittsburgh.

MR. FERLO moved to adopt the resolution.

MS. MCDONALD seconded the motion.

Which motion prevailed.

The Chair:

Dr. Biggs, you have been the leader and coordinator of this for the last five years I guess. Time flies.

Dr. Biggs:

I want to thank first of all Councilman O'Connor for his ongoing support of Pitt Project Tutor. Five years ago, maybe six years ago, he came to the University of Pittsburgh talking about the wonderful resources we had in our students. But he also talked about the wonderful resources that we have in our communities, particularly Hazelwood at that time.

What happened was we brought those resources together and he stood with us and encouraging us to do the work that he knew we could do. The work that we do is to bring together very capable college students with very promising students in our elementary, middle and high schools. When we bring them together they work one on one to do something very powerful. They teach each other things. They teach each other to be good, outstanding citizens. They teach each other that life long learning is important. They teach each other that education is something that we all owe ourselves and our community.

So I want to thank the Council for this acknowledgement of the work that has been done and I want to thank all the participants that we have this year in the program.

What I would like to do now is to call on Carmelita Korbett who works very closely with me at South Vocational Technical High School. This is our first year in the high school. She brought together a strong group of students who are teaching our students to be good teachers. I am going to ask her to come and say a word and introduce one of the tutors.

Ms. Korbett:

Good morning. My name is Carmelita Korbett, I am here representing South Votech High School. Best kept secret in the Pittsburgh Public Schools.

I would like to first of all thank Dr. Biggs for getting us involved in this project because we hadn't had a project quite like this one. We were looking for something to help our ninth graders get acclimated with the high school experience, but at the same time they were offered the opportunity to teach aspiring teachers to teach. So it was a cooperative effort.

When Dr. Biggs and I talked about coming here today, we decided that it would be a good idea to have one of our students tell you about their experience. I would like to introduce Mirrio Hudson one of the students that participated in Pitt Project Tutor at South Votech this year.

Mirrio Hudson:

Good morning, Councilman O'Connor and the members of the City Council. My name is Mirrio Hudson. I am a senior at South Votech.

I participated in the Pitt Project Tutor Program. My participation in this program allowed me to work with some of the teachers of the future. The students at South Votech were given the opportunity to work individually with the tutors.

We learned skills that will benefit us throughout our lives. Thank you, Dr. Biggs and the University of Pittsburgh Tutors for bringing this program to South.

Ms. Galore:

Good morning. My name is Monica Galore and I am with community in schools at Gladstone Middle School. It is my pleasure to be able to connect our students at Gladstone Middle School to the Pitt Project Tutors. It's been wonderful to go down every week and to be with the tutors and with the students.

I have watched the students improve their academic skills as they have worked hard on communications as well as their math skills. It is also very rewarding to watch the relationship between the tutors and the students grow with every session that they had. The students came to me every day after school on Tuesday saying are we going to have Pitt Project Tutor today? They arrived at my office with so much excitement and motivation that it was wonderful to see that.

It was also nice to be able to see that they were disappointed when the end of their tutoring sessions arrived. They were also disappointed that there is going

to be a lengthy break from their tutors during this December timeframe and they look forward to seeing their tutors again once January or February rolls around.

I do want to thank Councilman Bob O'Connor, he has been a tremendous and wonderful friend to Gladstone Middle School throughout the years. The children know of his contribution in terms of eating the wonderful snacks that he has provided for them. I told them on the way down in the car that yes that is food that he has given to them to nourish them, but the friendship, the care and the loving that they feel when they go to Pitt Project Tutors are gifts that will go on in their lives forever. That they know that he had an integral part in providing them with a relationship that will help inspire them to continue a loving and caring relationship for their fellow students and for their fellow human beings as they go on throughout their life.

So thank you all very much. It has been a pleasure and an honor to be here today. I want to thank Pitt Project Tutor. I really do appreciate having them provide such wonderful people to be connected to our children. So thank you.

Jeremiah Dugan:

Thank you, Councilman O'Connor and members of Council. My name is Jeremiah Dugan. I am speaking on behalf of the Pitt Project Tutors. I would just like to say that as a product of the Pittsburgh City Schools myself that the Pittsburgh City Schools are alive and well in Pittsburgh and doing well. These students are also a testament to the strength and vitality of our teachers, of the staff and of the students first off. And I would like to

say this has been a very enriching experience for myself as a future teacher. I will be student teaching in the city next semester at Brashear in the South Hills.

So I just want to thank Council and encourage the further support of the Pittsburgh City Schools. They are still here, they are still alive, and they are still doing very well. Thank you.

The Chair:

Let's hear from one of the students.

Regis Knorr:

Good morning, everyone. I am Regis Knorr from South Votech High School. First of all, I would like to thank the mentors for coming to South Votech and helping the students. And then I would like to thank Ms. Korbett and everyone for bringing us down here. Thank you, Council members.

The Chair:

We have to hear from one of the young ladies. We can't let the guys do all of the talking now.

But as was expressed we really started this to help the students, but I believe the tutors got just as much if not more out of what they did.

So it really was a great community effort. I want to thank Pitt and all the students for participating. Now we will get you back to school. Thanks for coming down. I believe Saint Stephens isn't here because they are off today, for the holy day.

Mr. Hertzberg:

Good morning. I am sure everyone is familiar with our Public Safety Councils and this particular proclamation is an award that was given out this past Saturday at the Zone Four Public Safety Meeting where every year awards are given out. This was presented as our Distinguished Service Award to Elaine Caparelli, please come forward Elaine.

Elaine has worked very hard with our Zone Four Public Safety Council. I am going to read through here some of the other things she has been involved with. It is really not a complete list. I mean Elaine is involved with almost everything imaginable in the community. She is a great volunteer. She is just contributing to so many things. I think it is very appropriate that we pass this resolution honoring her today.

MR. HERTZBERG PRESENTS:

No. 1035 WHEREAS, Elaine Caparelli, a resident of Mt. Washington in City Council District 2, is the first woman in the City of Pittsburgh to be an elected as a Pennsylvania State Constable and currently serves in that capacity for District Justice Charles McLaughlin; and

WHEREAS, Elaine holds positions in many volunteer programs; and

WHEREAS, the programs Elaine is involved with include:

- Vice President - Center for Victims of Violent Crime
- Chairman - Pittsburgh Public Safety Council President's Committee

- Blockwatch Coordinator - Mt. Washington/Duquesne Heights Area
- Blockwatch Captain - Cairo Street, Mt. Washington
- Member - National Night-Out Committee
- Board of Directors - Pittsburgh Crimestoppers
- President and Board Member-Allegheny County Constables Association
- Vice President - Pittsburgh Citizens Police Academy Class of 3-97
- Coordinator - 1998 Tornado Victim's Flower Pick-up
- Member - Three Rivers Adoption Council

WHEREAS, Webster's dictionary defines a volunteer as "One who benefits another by giving of his/her own free will", and Elaine truly defines this statement by her unselfish dedication to all the projects she is involved in.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh thanks Elaine Caparelli for her commitment to helping the Citizens of the City of Pittsburgh and declares Saturday, December 5th, Elaine Caparelli Day in the City of Pittsburgh.

MR. FERLO moved to adopt the resolution.

MR. COHEN seconded the motion.

Which motion prevailed.

Mr. Hertzberg:

Well, Elaine, now its your turn to say something. Here is your proclamation

and congratulations.

Ms. Caparelli:

Thank you very, very much. When on Saturday Zone Four Public Safety Council recognized me for my work that I have done through the Zone Four over the years and when I was presented with this, I was quite speechless, which is something that doesn't normally happen to me. But I am very, very thankful to Council for recognizing me in this way.

I have been doing a lot of things over many years and it is not work for me. I enjoy doing it. I have met a lot of wonderful, wonderful people over the years. Thank you very, very much and have a nice, happy, safe holiday.

The Chair:

Ms. McDonald and Councilman Udin have ones to be read into the record.

MS. MCDONALD PRESENTS:

No. 1036 WHEREAS, residents of this City of Pittsburgh, and those throughout our country enjoy the benefits of homeownership; and

WHEREAS, thirty-four year ago Pittsburgh's Northside community became the catalyst for Neighborhood Housing Services, Incorporated of Pittsburgh, the first to assist low income homeowners, and from this humanitarian effort has become a model for a national movement, now comprised of 177 community development organizations operating in cities across the nation; and

WHEREAS, this non-profit organization has survived countless challenges in protecting the rights, privileges and benefits of home ownership for many Pittsburgh residents; and

WHEREAS, the Neighborhood Housing Services, Incorporated efforts to provide public awareness of home ownership education, credit counseling and affordable low-interest loans to the high national standards of Neighborhood Reinvestment Corporation and NeighborWorks and thereby has been justly awarded it's NeighborWorks Charter and is recognized as a member in good standing; and

WHEREAS, under the leadership of a newly reorganized Board of Directors, Chaired by Mr. Howard Slaughter, Jr., Ms. Rebecca White, Vice Chairman, Mr. Scott Brown, Treasurer, Mr. Anthony Ovesney, Secretary and board members which include:

James J. Barnes, Esq, Beverly Bates, Donna Bennett, Rhonda Brandon, Sarah Campbell, Gwen Carter, Harvey Curd, James S. Fellin, Josette Fitzgibbons, Algia Gary, Ethel Hagler, Vanessa Larson, Linda Leonhardt, Jason Matthews, Arthur P. Woods, Athea Worthy, and Charles Yanders, and a knowledgeable committed staff, who guided Neighborhood Housing Services, Incorporated of Pittsburgh through challenging times to now receive its Charter.

NOW, THEREFORE, BE IT RESOLVED, that the Council in the City of Pittsburgh does hereby commend officials and members of the Neighborhood Housing Services, Incorporated for their dedication in their

partnership of residents, business, and government proudly affix the seal of the City of Pittsburgh and proclaim December 8th, 1998 "Neighborhood Housing Services, Incorporated of Pittsburgh Day".

Also,

No. 1037 WHEREAS, The Links, Incorporated will celebrate their 50th Anniversary with a dinner dance on Saturday, December 5, 1998 at the University Club, in Oakland; and

WHEREAS, The Links, Incorporated is a national organization of Black women with two hundred and twenty-seven chapters across the United States. It was founded by the late Sarah S. Scott and the late Margaret R. Hawkins in Philadelphia on November 9, 1946; and

WHEREAS, the Pittsburgh Chapter, chartered as the third in the nation, was installed in 1948 by the original Philadelphia Chapter. In keeping with the national purpose, the program has focused on national issues, community endeavors, education and the arts, and has been particularly concerned with the need to affirm and promote the development of black youth. To this extent the Pittsburgh Chapter has been actively involved with several projects which include; working with the Sickle Cell Society, the Lemington Home for the Aged, and a black celebrity auction to support black youth with scholarships; and

WHEREAS, under the current leadership of President, Dr. Nancy Washington, The Links have taken on new projects that continue to focus on the Arts. Such projects as docents for the Jacob Lawrence Exhibit, which came to

Pittsburgh and was sponsored by the Pittsburgh Cultural Trust. As a part of their on-going long range commitment to Carnegie's Homewood Library, the links have supported the Beginning with Books Program.

NOW, THEREFORE, BE IT RESOLVED, that the Council in the City of Pittsburgh recognizes and commends The Links, Incorporated for their continuous commitment to the community and their desire to educate the youth of Pittsburgh.

Also,

No. 1038 WHEREAS, the Pittsburgh History & Landmarks Foundation and the Federal Reserve Bank of Cleveland, Pittsburgh Branch, have co-sponsored a series of lectures exploring issues of urban planning and city development titled "Making Cities Work"; and

WHEREAS Arthur P. Ziegler, Jr., President of Pittsburgh History & Landmarks Foundation and Althea C. Worthy, Community Affairs Liaison of the Federal Reserve Bank of Cleveland, Pittsburgh Branch, have co-hosted the successful series of lectures attended by over 600 residents of Pittsburgh and visitors plus a series in Martinsville, West Virginia, attended by 150; and

WHEREAS, the "Making Cities Work" series has increased public awareness of current urban planning issues, and spurred conversation about sound urban design and good planning practices; and

WHEREAS, the "Making Cities Work" lectures series closes its inaugural year on December 8, 1998 with featured speaker, Mr. M. David Lee, FACL, partner of Stull and Lee, Inc. to discuss urban transit. The 1998 "Making Cities Work" series included lectures by Mary Means of Mary Means & Associates, who spoke on the "Consequences of Spawl"; Bonnie J. Wilkinson with the Pennsylvania Historical & Museum Commission who spoke on "Tax Credit Eligibility"; Arthur P. Ziegler, Jr., President of Pittsburgh History & Landmarks Foundation; Stanley A. Lowe, Director, City of Pittsburgh Housing Authority, and Mr. Charles Reaves, Manager, of the Business Development Center for the URA, who spoke on "Business issues in an Urban Environment"; Mr. Nicholas Retsinas, Director, Harvard Joint Center for Housing Studies who spoke regarding "The State of the Nations Housing"; and Roberta Brandes Gratz, Journalist, Author, and urban critic spoke on "Downtown Planning".

NOW, THEREFORE, BE IT RESOLVED, that the Council in the City of Pittsburgh congratulates Pittsburgh History & Landmarks Foundation and the Federal Reserve Bank of Cleveland, Pittsburgh Branch for this thought-provoking, awareness raising series of lectures on sound urban planning and city development and hopes that both organizations will continue this successful lecture series in the future.

MR. UDIN PRESENTS:

No. 1039 WHEREAS, The Urban League of Pittsburgh, Inc. was founded 80 years ago to improve the quality of life of

black factory workers who had migrated to Pittsburgh from the South; and

WHEREAS, The mission of the Urban League is to assist African Americans in the achievement of social and economic equality through Program Services, Advocacy, Bridge Building and Research and is collectively committed to excellence and superior quality of life; and

WHEREAS, The Urban League envisions a Greater Pittsburgh area where the significant disparities between African Americans and whites in education, employment, health, housing and youth development have been eliminated; and

WHEREAS, The Urban League Board, Guild and staff have provided progressive and respected leadership in areas such as: education, employment and training, housing, health care, aid to the homeless, community advocacy, youth mentoring, self sufficiency and bridge building between people of different races; and

WHEREAS, The Urban League through its Third Annual Ronald H. Brown Leadership Banquet and Awards Presentation recognizes the Honorable K. Leroy Irvis as the 1998 Civic Award Recipient; Arthur J. Edmunds and Wendell G. Freeland, Esq. as the 1998 Community Award Recipients and the late Senator H. John Heinz, III as the 1998 Corporate Award Recipient.

NOW THEREFORE BE IT RESOLVED, that today, the Council of the City of Pittsburgh recognizes the Urban League of Pittsburgh, Inc. for its outstanding work in the Greater Pittsburgh community and for providing invaluable

services to its clients. Further, the Council of the City of Pittsburgh encourages the Board, Guild and staff to continue to provide leadership and effective programs and services.

MR. FERLO moved to adopt the resolutions.

MR. DIVEN seconded the motion.

Which motion prevailed.

The Chair:

Now moving to presentation of papers.

MR. COHEN PRESENTED:

No. 1040 Resolution providing for an Agreement or Agreements, or use of existing Agreements and/or a Contract or Contracts, or use of existing Contracts, and for the purchase of materials, supplies and equipment and/or services in connection with the Renovations and Maintenance of Various Public Buildings effected by storm damage; at a cost not to exceed \$90,000.00, chargeable to and payable from Disaster Assistance Trust Fund.

Which was read and referred to the Committee on Lands, Buildings & Procurement.

MR. DIVEN PRESENTED:

No. 1041 Communication from Kathy Kraus, Acting Director, Department of Public Safety, requesting permission for Jeremy Estrada, a non-city employee, to attend the youth service provider meeting at the Convention Center on January 26,

1999. The total cost will not exceed \$1,110.48, chargeable to and payable from the YCPC/MYI Trust Fund.

Which was read and referred to the Committee on Public Safety Services.

MR. FERLO PRESENTED:

No. 1042 An Ordinance amending and supplementing the Pittsburgh Code, Title 5, Traffic, Article VI-Parking, by adding Section 541.09 entitled Handicap Parking.

No. 1043 Resolution changing the name of a portion of Stack Way in the 9th Ward to Veterans Way.
(SPONSORED BY MR. FERLO)

Which was read and referred to the Committee on Engineering and Construction.

MR. FERLO moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. HERTZBERG PRESENTED:

No. 1044 Resolution transferring the amount of One Hundred Ten Thousand (\$110,000.00) Dollars from various Code Accounts within the Department of Public Works to Environmental Services Premium Pay. (PRESENTED BY MR. HERTZBERG)

Which was read and referred to the Committee on Finance and Budget.

No. 1045 An Ordinance amending the Pittsburgh Code, Title Four-Public Places and Property, Article I – Streets and Sidewalks Section 415 and 416 Subsections 415.01 Permit and Bond Required, by increasing fees.

No. 1046 Resolution establishing the 1999 fee schedule for rental of shelter permits.

MR. HERTZBERG moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. FERLO seconded the motion.

Which motion prevailed.

Also,

No. 1047 Resolution granting unto National City Bank of Pittsburgh, 1020 Western Avenue, Pittsburgh, Pennsylvania 15223, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a four inch (4") concrete pad on a portion of the sidewalk area of Western Avenue in the 21st Ward, 6th Council District of the City of Pittsburgh.

Which were read and referred to the Committee on Public Works, Water & Environmental Services.

MS. MCDONALD PRESENTED:

No. 1048 Resolution authorizing the Director of the Department of Parks and Recreation to increase certain admission fees at the Schenley Park Ice Skating Rink, January 1, 1999.

No. 1049 Resolution establishing a schedule of fees for the swimming pools for 1999.

Which were read and referred to the Committee on Parks, Recreation & Youth Policy.

MS. MCDONALD moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced, so the bills will be on the agenda this Wednesday.

MR. ONORATO seconded the motion.

Which motion prevailed.

MR. ONORATO PRESENTED:

No. 1050 Resolution Amending Resolution #221 approved April 15, 1997 entitled "Amending Resolution No. 578, approved July 31, 1996, entitled amending Resolution #206, approved April 11, 1996, entitled providing for implementation of a Residential Parking Permit Program (RPPP) Area "Y" in the Shadyside community (Council District #8) pursuant to Pittsburgh Code Chapter 549", so as to amend streets included in Area "Y".

No. 1051 Resolution amending Resolution No. 743, effective December 2, 1997, entitled "Resolution authorizing an Agreement or Agreements with consultant or consultants, vendor or vendors, and

providing for administrative/staff costs related to the "Nine Mile Run Rivers Conservation Plan", at a cost not to exceed \$65,000.00", so as to increase the amount authorized to \$269,500.00.

No. 1052 Resolution providing for the addition of the property located at 920 Ft. Duquesne Boulevard (Known as the Syria Mosque site), Block and Lot Number 27-P-212, in the Fourth Ward, City of Pittsburgh, to the existing Oakland Civic Historic District, under Section 513 of Chapter 1007 of the Code of Ordinances

Which were read and referred to the Committee on Planning, Zoning & Land Use

MR. RICCIARDI PRESENTED:

No. 1053 Resolution Adopting Amendment No. 2 to the Center Triangle Tax Incremental Financing Plan Presented by the Urban Redevelopment Authority of Pittsburgh, and Making Certain Findings.

No. 1054 Resolution authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh, the County of Allegheny and the School District of Pittsburgh Providing for the Financing, Monitoring, Implementing and Terminating of the Center Triangle Tax Incremental Financing District as Amended by Amendment No. 2.

Which were read and referred to the Committee on Housing, Economic Development & Promotion.

MR. RICCIARDI moved to suspend Rule 8 by providing for consideration of

the bills only until or after the 8th calendar day following the motion in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. UDIN PRESENTED:

No. 1055 An Ordinance amending the Pittsburgh Code, Title 1 Administrative, Article 6 Procedures, Chapter 171 Fees by adding Section 171.02 entitled "Fees for Police Officer Recruit Testing".

No. 1056 Ordinance amending the Pittsburgh Code, Title 1 Administrative, Article 6 Procedures, Chapter 171 Fees by adding Section 171.03 entitled "Fees For City Court:

No. 1057 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Chapter 911.01 "Fees Established by increasing fees in the Zoning Department.

No. 1058 Resolution adopting the agreement between the Mayor and Pittsburgh Fire Fighters Local No 1 extending the current collective bargaining agreement until December 31, 2001.

No. 1059 Resolution Transferring the amount of \$182,650 from the Non-Departmentals -- Personnel, Pension Account, Fund 1000, Organization 999300, Sub Class 180, Budget Year 1998, Account 577100 to various departmental salary accounts in order to create sufficient account balances to issue

payments for the 1998 Bonus Program for Non-Union Employees.

No. 1060 Resolution transferring the amount of \$50,000 from the Non-Departmentals - Personnel, Pension Account, Fund 1000, Organization 999300, Sub Class 180, Budget Year 1998, Account 577100 to the Law Department's Miscellaneous Services Account, Fund 1000, Organization 108000, Sub Class 150, Budget Year 1998, Account 526100, in order to hire outside assistance to help the Law Department with the technical aspects of the cable communications franchise renewal process.

No. 1061 Resolution authorizing the Mayor and the City Solicitor to enter into an agreement or agreements for the hiring of counsel and consultants to assist in the representation of the City of Pittsburgh for outside legal counsel and consultants at a cost not to exceed \$20,000.00 chargeable to and payable from Code Account 526100, Fund 1000, Sub 150, Organization 1080000, Miscellaneous Services, Department of Law.

MR. UDIN moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

Also,

No. 1062 Resolution making appropriations to pay the expenses of conducting the public business of the City of Pittsburgh and for the meeting the debt charges thereof for the fiscal year beginning January 1, 1999.

No. 1063 Resolution designating Banks and Lending Institutions to act as Depositories for the year 1999 in accordance with the Pittsburgh Code, Title Two, Fiscal, Article III, Depositories.

No. 1064 Resolution Fixing the number of officers and employees of the City of Pittsburgh and the rate of compensation thereof; and setting minimum levels for designated positions for the year 1999.

No. 1065 Resolution adopting and approving the 1999 Capital Budget and CDBG Program; and approving the 1999-2004 Capital Improvement Program; by adjusting various line items in conformance with City Council's 1999 Capital Budget Amendments.

Which were read and referred to the Committee on Finance and Budget.

MR. O'CONNOR PRESENTS:

No. 1066 Petition from the residents of the City of Pittsburgh requesting a public hearing on the city budget, with emphasis on the use of CDBG funding and the impact on neighborhood development

Which was read and referred to the Committee on Finance and Budget.

No. 1067 Communication from Tom Flaherty, City Controller, submitting

the performance audit of the Department of Engineering and Construction dated November, 1998.

No. 1068 Communication from Jacqueline Morrow, City Solicitor, submitting a summary of all claims filed and paid in November 1998.

Which were read, received and filed.

The Chair:

Motion to receive and file.

MR. HERTZBERG moved to receive and file.

MS. MCDONALD seconded the motion.

Which motion prevailed.

The Chair:

Under unfinished business.

UNFINISHED BUSINESS

MR. O'CONNOR PRESENTED:

Bill No. 980 Resolution approving the appointment of Eric Roberson as a member of the Citizens Police Review Board, term to expire October 31, 1999.

Mr. Ricciardi:

Thank you, Mr. President and colleagues. Regarding Mr. Roberson, I am very proud to be supporting this gentleman. I would just like to say in all the years I have served on City Council and we probably have been involved in hundreds of nominations, I was most impressed with this man.

I have never met him before but I found him to be very bright, very articulate, very caring. I was very impressed with his resume because I think he realizes that there is a drug problem across this nation. He appeared to be very involved with athletes against drugs and some of his answers were just on target.

At first I was somewhat concerned that he was only in the city for one year. But the more I thought about it, any other board I would have probably -- that would have been a grave concern of mine. But in this case, I think it is good. I think that he comes to the Civilian Review Board without any preconceived notions or ideas. I think he is going to be very objective and not to put too much pressure on this man, but I think he's going to definitely be a leader here in the City of Pittsburgh for years to come. Thank you.

Mr. Onorato:

I also want to just comment on the gentleman. I think he's uniquely qualified. I think he has a great resume. I think he will do a great job.

But stating that, I just want to reiterate my position. I want to make it clear that I don't disagree with any of my colleagues interpretation of the way the code is written and the way the law is written regarding what a law enforcement official is. I would like to see and I would hope the Mayor next time around there appears to be one, possibly two, openings at the end of '99. People that will retire from the board and do not want to be re-appointed, that we put in an individual that has police officer experience. Either retired or moved on and had the experience of walking in police officer

shoes, that can't exceed two individuals. But there is only one individual that actually was a police officer that is on the board.

And, for that reason and out of respect for the resume of this gentleman instead of voting no, I will abstain today just to send a message that I would like to see in the future when the next opening comes up a police officer experienced. That is no reflection on this gentleman coming forward. If he was filling any of the other five spots, I would be more than happy to vote yes. But I will abstain today just to send a request to the administration to bring over a retired or police officer individual in the next time a nomination is on the floor.

Mr. Hertzberg:

Thank you, Mr. President. I will be happy to support Mr. Roberson. I think he is an excellent candidate for the Citizens Police Review Board.

I was just going back over the whole process. I think the way I thought things would work out as we would have in those two positions two former police officers as Councilman Onorato put it. That's what we all contemplated and I was surprised to find out that Mr. Bingler turns out fulfilled one of those positions. So we have the two positions filled already and knowing what the Mayor's position had been on the whole issue, that he opposed the creation of the whole thing, I am surprised at the set up we now have.

But it's his call. We put forth nominations, he picks from among them and submits them to us. So that's all we can do is call on the Mayor when the terms

expire next year to try to make the composition what really was contemplated at least by myself and I know probably by a majority of Council when this thing was set up.

The Chair:

I think if I can answer that though I agree with what both of you just said, but we accepted Mr. Bingler to replace a police officer. So I think we opened the door for accepting that. Again, the next time Mr. Bingler would come off he may have a better argument to make sure it is a police officer background.

Mr. Udin:

I didn't want to necessarily begin this whole debate here, but I don't want the public to be confused about what the character of the civilian board is. The intention was to create a board of civilians. It was not to create an equal panel. The intention was to create a board of civilians and we have already conceded giving two spots to a broad category called law enforcement.

Law enforcements may certainly include police officers. There is one police officer that is currently serving with the distinction on the board and there were in the history of this board two police officers that served the board well. But the category that we approved is law enforcement official or law enforcement background. I don't want to inadvertently narrow that definition to include only police officers unless we are willing revisit the legislation. But let's be clear about what it was.

Ms. McDonald:

I am definitely not going to engage in this discussion again, because we did it last week. We will do it again at the appropriate time when there is an opening. Again, I feel strongly more so than the police officer concern about being part of the Civilian Review Board is the fact that we made a mistake in that when Mr. Kroner had resigned that was Council's choice. Instead what we had allowed and it was again we dropped the ball is that the Mayor had nominated or made a recommendation for Mr. Bingler. That was not Council's recommendation.

So what I would prefer instead of we can't rehash everything. I think we need to move forward and again we all agreed with Dr. Bingler being a very good recommendation. But next year when terms are expired, I don't care if it is the Mayor's recommendation or not, it will be balanced out according to the law that we had passed and that we had enacted. That was there were going to be a number of individuals that would be Council's recommendation and another group of individuals that would be the Mayor's. Because it's imbalanced now. I suggest that this body fix it next year.

I know this much, I will force the issue and try to make sure that we are living by the letter of the law next year.

The Chair:

With that said, I want to congratulate the appointment of Eric Roberson. I think again echoing Mr. Ricciardi's words he is an outstanding individual and a great choice for this board or any board. Again, I want to congratulate him and also the Mayor for him appointing such a qualified individual.

We will need a roll call vote, please.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Ricciardi
Mr. Udin	Mr. O'Connor

(Pres't)

(Mr. Onorato abstained.)

The Chair:

Anything else under unfinished business to come in front of Council?

Mr. Ferlo:

I want to clarify we don't have any meetings left the rest of the year, but I would ask that the administration respond to Council's request regarding the fire chief situation. The Mayor did speak the other day to us at the table but our ordinance suggests that anyone in the acting fire chief position cannot be there any longer than 90 days without coming before Council for the confirmation process.

So I would ask that we have some resolution to that either now or right after the first of the year. I would hope that -- we have, I think, a lot of qualified individuals in the Fire Bureau. I would hope that we would be able to find a candidate and nominee for fire chief from the existing work force.

I don't know if we -- personally I have a real problem with going out of state

or any where else to recruit someone. I believe strongly there are a lot of competent individuals and people that have career tenures in the Fire Bureau. I think they have both the administrative skills and fire fighting skills, and I would hope that the Mayor would do his best to recruit from within and advance from within.

The Chair:

I certainly agree with you. I think Mr. Diven and myself as Chair of the Public Safety we will meet with Mr. Sirabella, Deputy Mayor, I have a brief meeting with him we are talking about the fire chief appointment. Now I know since our discussion, since you brought it up, Mr. Ferlo, there has been at least three or four resumes from our existing fire department personnel. I believe they all agree that to try to find the acting chief right now. But that decision will come to light very shortly.

Anything else under unfinished business?

Hearing none, move to reports of committees.

REPORTS OF COMMITTEES

MR. UDIN PRESENTED:

Bill No. 1069:

Report of the Committee on Finance and Budget for December 2, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 986:

Resolution providing for the issuance of a warrant or warrants in favor of Allegheny County in an amount not to exceed \$45,000.00 for copier charges incurred by the City of Pittsburgh for use of the County Print Shop's Docutech machine. (PRESENTED BY MR. COHEN).

Which was read.

Also,

Bill No. 987:

Resolution providing for the issuance of a warrant in favor of the Pennsylvania Commission on Crime and Delinquency in the amount of Seven Thousand Nine Hundred Seventeen Dollars (\$7,917.00) for the return of unspent grant funds, chargeable to and payable from Community Policing Trust Fund. (PRESENTED BY MR. DIVEN).

Which was read.

Also,

Bill No. 988:

Resolution providing for the issuance of a warrant in favor of Kasseburg Canine in the amount of \$21,900.00 for the purchase of police dogs for the Bureau of Police, chargeable to and payable from Fund 1000, Subclass 150, Account 525500, Org. No. 210000, Budget Year 1998. (PRESENTED BY MR. DIVEN).

Which was read.

Also,

Bill No. 1000:

Resolution providing for the transfer of the amount of Two Hundred Thousand Dollars (\$200,000.00) to Code 45, Health/Life Insurance-Municipal Employees, Non- Departmental Personnel, Account 571100, Fund 1000, Organization 999300, Subclass 040, Budget Year 1998 from the Special Summer Food Service Program Trust Fund in the Department of Parks and Recreation, Account 581140, Fund 2855, Organization 521220, Subclass 600, Budget Year 1998. (PRESENTED BY MS. MCDONALD).

Which was read.

Also,

Bill No. 1002:

Resolution authorizing the City Controller to transfer the sum of \$5,000.00 (five thousand dollars) from Misc. Services org. 106000 fund 1000 sub 150 by 1998 to Education & Training org. 106000 fund 1000 sub 030 by 1998.

Which was read.

Also,

Bill No. 1003:

Resolution authorizing the City Controller to enter into a contract or contracts, agreement or agreements for the purchase of equipment in an amount not to exceed Ten Thousand Dollars (\$10,000.00) and providing for the payment of the cost thereof.

Which was read.

Also,

Bill No. 1004:

Resolution providing for an agreement or agreements with Charles J. Kolling, Legislative Consultant, for consulting services to assist the City of Pittsburgh in acquiring state assistance and funding and to work with various agencies of government for the benefit of the City of Pittsburgh during 1999, at an aggregate cost not to exceed thirty-thousand dollars (\$30,000.00) chargeable to and payable from Code Account 1017, Index Code 101709, Account 526100, Sub-Account 150, Organization 102000, Fund 1000, Budget Year 1999, Miscellaneous Services, Mayor's Office.

Which was read.

Also,

Bill No. 1005:

Resolution authorizing the City of Pittsburgh to issue a quit claim deed for property in the 18th Ward of the City of Pittsburgh 3rd Council District, known as 34 & 38 Roanoke Street, designated as Block 3-P, Lots 9 & 16, to Helena Scanlon, for the sum of \$100.00.

Which was read.

The Chair:

You have heard the reading and title of the bills, is there any discussion on the bills?

In front of you we have an amendment to Bill 1004 with a one year and I believe it is cosponsored with at least six members.

MR. FERLO moved to adopt.

MR. HERTZBERG seconded the motion.

The Chair:

Any discussion on the amendment?
Discussion on the bill?

Mr. Cohen:

Discussion on the amendment.
Mr. President, with all due respect I oppose this amendment. This amendment that would cut Mr. Kolling's contract from a year to six months and we cut his salary as well.

I do not think that it's right to make Chuck Kolling a scapegoat for the defeat of Plan B in Harrisburg. I know that is not your intent, Mr. President, and I know that is not the intent of other members of Council. But that is the message that would be sent if this amendment were to pass.

I do not believe that it is Chuck Kolling's fault that Plan B failed in Harrisburg two weeks ago he is a staffer. He is not number principle. And I think we need to understand the distinction between the two. We have to stop pointing fingers and have to stop recriminating about what happened in Harrisburg two weeks ago.

We have six weeks to put together a coalition to retake Harrisburg and that means to put together an army. An army of business leaders, an army of labor leaders, an army of neighborhood leaders, of foundation leaders, of young people and we have some very significant young

people's organizations in town. Including PUMP and NEXT who had a huge breakfast last week. We need to have a thousand-foot soldiers for Pittsburgh in Harrisburg.

Few people know the lay of the land better than Chuck Kolling does. He's a man of integrity; he's someone who has served this city well in my view. So rather than cutting his salary and cutting his contract, what we should be doing is seeking his advice and putting together this coalition of a thousand foot soldiers for Pittsburgh and Harrisburg. That is what I believe we should be focusing on right now.

I know that this is not your intent to send a message about Mr. Kolling being a scapegoat for what happened in Harrisburg, but that is the message that would be sent if this amendment passes, in my view. So rather than looking backwards, let's look forward and know, Mr. President, that you have already taken a number of actions on this to put together a coalition, to have a thousand voices in Harrisburg to go there and make it work this time around. So in my view this amendment looks backwards not forwards and we need to look forward.

Mr. Diven:

First of all I would like to agree with a lot of what Mr. Cohen has said about the accountability and focusing forward. That's one of the reasons why I support this legislation. I don't support this -- It is not based on anything Chuck Kolling has done in the past or will do in the future.

The reason why I support this

legislation is because of now the demands of the Mayor becomes accountable to City Council for his lack of including us in or bringing us to the table in regards to working for Plan B. Like Councilman Cohen said, this is a staff position. We have to send a message to the Mayor that if we are not going to be included in the process and we're not going to be utilized to get things done, then we are not going to give him the approval to hire people that aren't going to include us in the process.

So I don't think, my support of this amendment has anything to do with Chuck Kolling, I think it is providing us with more accountability on our role in Harrisburg and more input and more of the decision making process of when we go to Harrisburg to ask for money. Obviously this isn't his contract is not being cut. It is just shortening it up to a six month period so that we can bring him back in, find out what he has done, find out what we have worked on and be in a position to renew his contract for the remaining six months of the year.

I think it is imperative for us to do. I think we have to send a strong message to the administration that we are going to keep tabs and we are going to keep track and there is going to be a penalty on the back end for them by us not renewing contracts that they rely on if they don't provide us with the opportunity to be part of the process. Not only on Plan B but I think the impact that the Mayor's response and in Harrisburg right now is going to have a tremendous impact on our operating budget. I think that's one of the things that we have to be very cognoscente of is that if he goes to Harrisburg and makes remarks or turns people off and it's

not going to be the Mayor that is going to be the only one suffering because of this. We are going to be looking at trying to replace upwards to \$8 million in our budget and a lot of the state funding for other major projects that are going on outside of the realm of Plan B.

I think I would like to compliment you Councilman O'Connor for taking the leadership role and finally coming to the table with something that is going to be the stick that is going to keep the administration in line.

I think we have had a number of conversations in this Council Chamber about how we would like to fit in, how we would want to be a part of it, how we need to be involved in this. We have sent every message to the administration and not once has someone from the Mayor's administration picked up the phone and called me and said look we need your help on this. We would like you to make phone calls on our behalf in Harrisburg. That hasn't happened, and it is not going to happen if we sit here and continue to complain.

What we need to do is hold them accountable and use contracts like the one like Mr. Kolling has to say hey, if you aren't going to provide us with the ability for us to be a part of the process and do our job as Council representatives, then we are not going to provide you with the resources financially to go out and make our jobs tougher by going to Harrisburg and alienating a lot of our legislative staff that we are going to depend upon for operating budget funding.

So, I support this and I support it because I think it sends a strong message

to the administration.

I have all the faith in the world in Chuck Kolling and I know he's a good representative for us in Harrisburg. He's honorable and he has a lot of integrity. But I think the message needs to be heard clear in the Mayor's Office that we need to be part of this process. If we are not part of this process, there is a penalty on the end of this that we are not going to give him the tools that he needs to go out and make our job tougher as Council member representatives.

Ms. McDonald:

I have to agree with Councilman Cohen. But I am willing to go along with this legislation for only one reason. It really does not cut into his salary. It's still at the exact same rate but allows us six months to regroup, see how things fair. The one thing that did come before us as a suggestion is that we may need our own lobbyist.

I am adamantly opposed to that. To go out of the City of Pittsburgh and lobby with two separate lobbyist's sends a horrible message to whomever our destination point is. They're going to look at that as split, divided and it really would jeopardize any degree of willingness for them to allocate moneys both for legislation that would benefit the city etceteras.

So, I am in agreement that we need one lobbyist for this fair city. One, and it's up to us, this Council body, to hash it out with the administration. Hash it out with the Mayor. If we want to be included we are going to have to make ourselves be included. The six months is fine. It's fine

with me. But again, I don't think and I will agree, like I said, Councilman Cohen is right. I don't think it is Chuck's fault. There are so many fingers pointing at each other, it's pathetic. I don't really know whose fault it was, who dropped the ball, who picked the ball up. I think it is time we need to move forward though and to keep Mr. Kolling on as our lobbyist, as political consultant.

I know he has been very forthcoming with information anytime I had called upon him, but again I am willing to allow this but only for six months. After six months I bet you he's going to probably get our thumbs up and we will come back to the table. And if in deed I feel that he deserves another thumbs up, I will put forth legislation that he be renewed immediately another six months. But I am willing to go along with this legislation in the mean time because it does not necessarily cut the rate of his salary.

Mr. Onorato:

Mr. President, I also support the amendment and as I said last week I strongly support Mr. Kolling. I think he's an honorable man, he gave us his word, explained what happened, I believe him and I look at this amendment as a vote of support for Mr. Kolling.

He is definitely not going to be a scapegoat as far as I am concerned. This amendment is very similar to what we have done on three or four other contracts before on this body. Where we have taken either a semi or semiannual contract and/or multi year contracts and we have cut them down to one year and have taken annual contracts and cut them to six months. All

this contract does is take a \$30,000 one-time installment and make it in two installment plans.

We are right now if we support this amendment sending Mr. Kolling back to Harrisburg for the next six months. Well if Plan B isn't finished in the next six months, it is dead. It is over and there are no new stadiums. So we're sending him back there with everyone else. This is not rebumping him or sending him out into the street. We are telling him that we think what you are doing is okay. We want you to be part of it and to keep the continuity there. But what we are also saying that in six months we want you back at this table right here to explain what you have been doing and get the other installment, that is all this is doing.

So, as far as I am concerned this is reaffirming our support for Mr. Kolling. The six-month period is definitely plenty of time to cover any discussion of Plan B. I look forward to Mr. Kolling and all the other officials in Harrisburg along with myself and you, Mr. President, to do what we have to do to make things happen. Then in six months, we can have this conversation once again at our table.

Mr. Ricciardi:

Thank you, Mr. President. I am being very brief. I am in full support of the legislation for a few reasons. First of all, as a courtesy to our President, Mr. Bob O'Connor, and second as I stated last week, I wish that every week was a budget week. Because it gives us an opportunity to talk about policy, gives us an opportunity to make the directors and the administration accountable and an opportunity to have our own blueprint on

the future of the City of Pittsburgh and having Mr. Kolling back here or any other lobbyist in six months can only be positive. Because not only will we have an open forum for discussion, but we can talk about other legislative initiatives that we're interested in.

On a personal note or more of a selfish note, I think Mr. Chuck Kolling is a very effective legislator. I have stated that in the past that I believe that Plan B is the policing of our city taxpayers, and I would like to see Chuck Kolling out of the ball game for a while. Thank you.

Mr. Udin:

We are indeed an interesting body. I am confused about this legislation. I was not consulted on it and that's okay because I am not consulted on a lot of things. But it could have afforded me the opportunity to understand what the rationale was. I probably could have been convinced to support it if I understood it. But since I was not consulted, I guess that those who counted the votes decided that they didn't need my vote and certainly they will not get my vote on anything I am not consulted about.

But I thought that since I was not consulted I figured I might learn what the reasoning and rationale for this was if I sat here at the table and listened to the discussion. I thought I might also learn who the primary sponsor of the legislation was, which I have not yet up to this point. To say that this is in support of Mr. Kolling is support -- this supports Mr. Kolling like a noose supports a horse thief.

This is not supporting Mr. Kolling.

It's using Mr. Kolling to send a message to the Mayor. And I don't understand why if we wanted to send a message to the Mayor why the message was not sent when the Mayor was at the table last week? The Mayor came before us we had full opportunity to tell the Mayor exactly what we thought. I thought we did that. I thought the Mayor indicated that he accepted us as a partner in the future. Maybe something happened that demonstrated to the contrary, I don't know. Mr. Kolling agreed that he would be available to report to Congress not just at the end of six months but every month or more regularly if that's what we wanted. He said he would do that. Why it became necessary for us to put this noose of support around his neck, I am not clear about.

Now, I trust my colleagues and I know that they understand a lot of this intrigue much better than I do. I accept that those who say they support Mr. Kolling do indeed support Mr. Kolling, but it seems to me that if we were too interested in providing some serious leadership that we would be providing leadership and not cutting of the legs of our primary strategist and lobbyist in order to get a message to the Mayor. I will not be voting in support of this resolution.

Mr. Ferlo:

Let me add to the discussion a little bit. I agree totally with Councilman Cohen who has articulated an appropriate strategy for getting us back on track as early as yesterday in terms of the appropriate lobbying that needs to be done not just for Plan B. We keep focusing in on Plan B, which is part of the reason why we failed

in Harrisburg.

The agenda in Harrisburg was actually broader than two stadia and the Convention Center. There was also a Lawrenceville industrial zone of \$15 million being sought also. And there is a bunch of other programs in development agenda items that effect Rankin and other communities outside of the City of Pittsburgh that basically mirror that in the past what we referred to as strategy 21.

So one of the first mistakes we made is to keep focusing narrowly even to the imagery of Mr. McClatchey and Mr. Rooney being up and down the halls of the state legislature. So even in terms of that imagery, we had better broaden out what the reality is here in terms of what our vested interest is in Harrisburg not only on Plan B, but on lots of other items. That's why I totally support Councilman Cohen's articulation of a thousand points of light or a thousand organizing foot troop soldiers, or however he phrased it. We need to broaden that group out including the leadership of Council.

I spoke to a couple state representatives last night that up until now I think were considered in the no category. I felt that they were very amenable to reconsidering and showing some kind of support for the agenda come January.

Now I don't know how this amendment in any way detracts from Mr. Kolling's financial livelihood or viability. The fact of the matter is Councilwoman McDonald said we are not effecting financially one penny the amount of money that Mr. Kolling will be paid. This is just a way of benchmarking

progress six months from now to allow an opportunity for Mr. Kolling and the Mayor and the administration to come back to the Council table which really means what? To come back to the public to talk about progress to date? The proof is in the pudding. We have other agenda items that we are relying on Harrisburg to support the city capital and operating budget. So from a fiduciary point of just a Council member setting aside the Plan B debacle, there are lot of other things whether you talk about the four million dollars plus the courts money.

So from a fiduciary point of view, I want to know what is happening and what kind of an audience receptivity Mr. Kolling will have in the future. So just from a point of view of playing the cards out right, I want to make sure that we're not going to get shortchanged and nobody is going to have an axe to grind. I don't think it is inappropriate for us to benchmark the discussion and review the Kolling situation, which really means what are we getting back as a municipality?

We have a lot of things we are relying on Harrisburg to support us with. So I support the amendment. I believe Councilman O'Connor offered it. I was approached, to Council Udin, 10 minutes before the meeting that is why my name is actually on the amendment, Councilman Udin. So I don't think there was actually much organizing or a lot of thought given other than coming this morning there was maybe some discussion last night. But I would support the amendment.

I think it's appropriate. I do want to say personally I was actually prepared even though I respect Mr. Kolling, I have a real problem with both the real and the

perception of conflicts of interests of Mr. Kolling representing a law firm of Klett Rooney & Lieber, at all being so prominently involved in from a for profit motif in relationship to the major league sports of this city.

So even setting the whole debate aside that we have had right now, and it is not in any way being disrespectful to Mr. Kolling, but when you look at his 20 odd listing of corporate and municipal clients, I do have a reservation quite honestly about involvement with the corporate law firm and at the same time representing the lobbying interests of the city taxpayers. I really feel that's a real conflict. I have a problem with that.

So I don't think it's unreasonable to support the amendment and benchmark the discussions six months from now.

Mr. Hertzberg:

All right. I am not going to go repeat everything that has been said already, but I do share just about everyone's opinion that Mr. Kolling has done an excellent job. I am voting for this amendment. It is in no way a reflection on my confidence in Mr. Kolling. It's really not any kind of reduction in the amount called for. It is just a short term, just shortening the term and he will come back here.

The point is, if we didn't have confidence in Mr. Kolling, if we wanted to hurt him or make him a scapegoat or something we would just vote no and it would be over with. But we are not doing that. It is a very small thing I think that we are doing here and it is a small step here to try to change the process a little. I

am in full support of doing that, Mr. President.

Mr. Cohen:

I will be brief, I realize this is the second round. There is often, Mr. President, a disconnect between words and actions on this Council and today is a perfect example. Everybody down the line is signing Mr. Kolling's praises but at the same time they're cutting his contract and they're cutting the amount. Now people can say that you are not doing that, but that's in fact what this amendment is, it cuts his contract from a year to six months and his salary from \$30,000 to \$15,000.

For as long as I have been on Council every single year we have given Mr. Kolling after hearing of course his performance the prior year we have given him a one year contract for \$30,000, every single year. My guess is that that probably goes back about 10 years. This year we are giving him a six-month contract for \$15,000. So what is the change? If everybody here is singing his praises and saying how good he is, then something had to change and that thing of course is the fiasco in Harrisburg two weeks ago, let's be honest.

Now the reasons that have been stated here is number one, we want Mr. Kolling to come back in six months and report to us. Well Mr. Kolling said last Wednesday that he would be willing to come as many times as we would like him to come. He would be able to come here on a by-weekly or monthly basis if we would like him to do that. I think we should meet with him more often. But he hasn't expressed any reluctance to do that.

Number two, that we are sending a message to the Mayor. First of all, that is the definition of a scapegoat. You hurt somebody for the actions of somebody else. But that aside, the message to be sent to the Mayor should be let's sit down and draw out a plan for a coalition, a strong coalition, to lobby Harrisburg. I believe that the Mayor knows that he needs help this time around. He needs help in round two. I believe he expressed that when he came to Council last week. So rather than send a signal to the Mayor by hurting somebody else, why not just go across the hall, sit down and come up with a plan to lobby Harrisburg to make this work. I think that's a better way.

Ms. McDonald:

I would say that hurt would be involved in six months from now if we did not renew the contract. If we decide to just drop it. That's where the hurt will come in. I have no intention on hurting Mr. Kolling unless of course something goes wrong with his performance, seriously wrong. It would have to be seriously wrong, because he has been doing work for us for a long time. He does work for a number of governmental entities. So he would have to really screw up.

Again, for me to not desire or to support or even present legislation to renew his contract after six months, I think Councilman Ferlo used the proper expression it is benchmarking. As far as I am concerned I have a problem with giving extended contracts anyway to anybody. I always have difficulty with that because it's kind of padded, it is too comfortable. You want to make people work for the money that they get and the

hard earned tax dollars.

So I have no problem. Again, I support Mr. Kolling. He knows that. I have no problem with benchmarking and six months from now again as I said before this is round two, I would put money down that we are going to end up renewing his contract. It is just benchmarking for right now.

Mr. Onorato:

I am just reiterating one more time. I don't see how this ever could be received as attacking Mr. Kolling. Once again, sure the 30,000 went to 15,000, but the year went to six months. I can recall three different times where we have done this on an annual contract where we cut it in half to renew it in six months just because you bring something back to the table. While somebody says that they are willing to come to the table as often as you want them, that's fine. But it is a different thing when you have to come to the table and get renewed for your contract.

Like I said, the next six months are going to be the critical months of Plan B. He's going to be there for us. I am showing my support.

I think what we have to do though so there is no misunderstanding of this resolution, and Mr. O'Connor, if you don't oppose this to this particular amendment, and you are in support of what you brought around, I think we should add to it as a friendly amendment to this amendment that after six months the additional \$15 million and the six month extension will be brought in front of Council. That is our point to make this an installment and make it very clear --

Mr. Cohen:

I like Mr. Kolling, but I don't want to raise his salary to \$15 million, that is too steep.

Mr. Onorato:

I am sorry, \$15 thousand, in another six months. I have no problem, first of all. Mr. Kolling ought to be happy this is the only consulting fee I approved. I vote no on all the consulting fees. I am going to vote for this. I don't believe in consultants, but I am going to vote for this because I think he does a great job in Harrisburg. I don't think there is anything wrong with the Legislative body saying -- I wouldn't care if we made him come in every three months and maybe quarterly. You still get proof, but you have to come back, you have to justify why you are up there.

And, Councilman Cohen is absolutely right on one thing. Something did change, and it was what happened two weeks ago. Maybe we had better wake up and quite giving annual contracts to anyone and make them every three months or every six months so you come in front of us, tell us what you did for that money, and then we will approve it, not just him, anybody. I think that I would like to add a motion to this amendment that says at the end of six months, Mr. --

The Chair:

Option. You want to put the word option in.

Mr. Onorato:

Yes, an option to renew for six

months and an additional \$15,000.

MS. MCDONALD seconded the motion.

MR. FERLO moved to suspend the rolls of council to allow the amendment.

MR. HERTZBERG seconded the motion.

Mr. Udin:

I just want to finally say that I am going out and get a rope so I can support Mr. Kolling too.

The Chair:

Let me address, I do apologize --

Mr. Udin:

I would like whoever this primary sponsor of the amendment of the primary substitution amendment to make himself known.

Ms. McDonald:

There are stealth sponsors.

The Chair:

Left us apologize to you, Mr. Udin, I think this came in the last half hour before Council. We did have an interruption with an arm wrestling event.

Mr. Cohen:

Sala, just to make you feel better, I wasn't consulted either.

The Chair:

If I could just have the floor so we will bring everyone up to date. Two or three Council members came to me and one actually didn't come to me but what you were saying about possibly getting our own lobbyist in the future and was discussed by me and Mr. Diven late hour yesterday. He has been suggesting trying to get more involved with Harrisburg and how to do it. So he asked for a whether it be an option or more of a quarterly meeting similar to what we talked about with your possible proposal with hiring our own lobbyist and a couple -- actually we talked about who should introduce it.

So it was five minutes before the meeting, we walked around. But I felt with this we would also have a unanimous vote. Without this amendment, I doubt if we would have had a unanimous vote. At least one maybe two no votes. So with this amendment we are sending a clear message that I believe we will get nine with or without the amendment we will get nine votes for continuing Mr. Kolling. So they were a couple of the reasons.

More so, I think we have to put -- I don't think timing could have been worse for Mr. Kolling the day after Plan B to come for this. But we are sending a message, I don't believe in fact as almost every Council member supports him, but there is a lot more to this than Plan B. I think all of us have neglected the educational, the infrastructure, the service of the seniors that we all agree we have to do a better job in Harrisburg. Maybe the Plan B showed us how we are not together enough.

I have heard that since way before I was in politics, the Allegheny County, Western Pennsylvania don't get their

share, aren't cooperating. If anything, this will bring us all together. I mean this is the best thing to happen to us. I believe Plan B will work. It will take a couple of months, it will take all of us working together with Mr. Kolling's leadership, we are certainly showing him that. I believe in six months bringing him back for a review of what happened not only hopefully -- I know Plan B will be behind us by then, but I think we have to more so look at other issues. How are we going to work closer with our legislators to make Western Pennsylvania a better place to live? For the PUMP organization, and all the other young organizations that we came out that has come up in the last few minutes. I know the Mayor had a great meeting in front of a young organization and it showed young people want this, they want to work together and change this city around.

So, I believe it is coming before us as an amendment for six months. Mr. Onorato I think has a good suggestion to make it an option so that in six months we are reviewing him, I know Plan B will be through, but I think there is a lot more important things than Plan B to be discussed with our legislators.

Also, I want to bring up Peg McCormick Barron has left, she hasn't been replaced yet. Is this going to be like the Fire Chief again? Are we going to sit in limbo? When I first came on Council, we gave money and the person is working for the Mayor, he has worked for the old Mayor, he is still working. But we hired that person, and I don't want to get into names, to be a lobbyist in Washington. I don't know that that person ever lobbied in Washington at all.

So, we want to make sure. I think this sends a message to the administration that we want Ms. Barron who has done a job for the last couple of years, now is working on Plan B and the Convention Center, who is going to replace her and when is that going to happen? Let's not wait six months because we need that \$50,000 investment or \$30,000 investment can bring back millions.

I also want to thank Mr. Kolling, I believe everyone got a copy of his plan of action, what he has been doing and what he plans on doing in the future. So, he does respond maybe better than some of our directors to our requests. That came in yesterday. So, with that said, we will have a roll call vote on the amendment. I would like whether you vote for it or not.

Mr. Ferlo:

We need to vote on the amendment as well as Mr. Onorato's amendment to the amendment of the bill.

The Chair:

We will vote on making it an option. So we are really saying we are signing instead of a full one year lease with this person, or contract, we will bring him back in six months for an option to discuss where he has been and where we are going in the future. I believe before then, we will have more support or non-support or ammunition for your request of our own lobbyist. That is something two or three members have been talking to me in the last week or so, so there is a lot of interest there.

Mr. Ferlo:

I would ask that we call the question on Mr. Onorato's amendment of the amendment.

The Chair:

On Mr. Onorato's word option in there so he is reviewed in six months. Did we vote on that? We did or we didn't?

Mr. Udin:

Can I register my no vote to the amendment?

The Chair:

We are still on the option word.

Mr. Ferlo:

Call the question on the option.

The Chair:

We are adding Mr. Onorato's amendment to add the word option. So really he has a one-year contract with a six-month option to be renewed at the end of six months.

Which motion prevailed. (Mr. Cohen and Mr. Udin voted no.)

Mr. Cohen:

That was on Mr. Onorato's amendment to the amendment.

The Chair:

Now on the amendment itself. Roll call.

The ayes and noes were taken

agreeably to law, and were:

AYES:

Mr. Diven	Mr. Ferlo
Mr. Hertzberg	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
	Mr. O'Connor
	(Pres't)

(Mr. Cohen and Mr. Udin voted no)

The Chair:

On the bill themselves any further discussion on the bills?

Bills are now ready for final action. All in favor of the passage of the bills votes aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Diven	Mr. Ferlo
Mr. Hertzberg	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
	Mr. O'Connor
	(Pres't)

(Mr. Cohen and Mr. Udin voted no on Bill 1004)

Bills have received the legally required number of votes and have passed finally.

MR. HERTZBERG PRESENTED:

Bill No. 1070:

Report of the Committee on Public Works, Water and Environmental Services for December 2, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 995:

Resolution Granting unto Ernest J. Sota, 507 West Main Street, Carnegie, Pennsylvania 15106, his successors and assigns, an encroachment to construct, maintain and use at his own cost and expense, concrete steps on a portion of the right-of-way at 2210 & 2212 Jane Street in the 17th Ward, 3rd Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 996:

Resolution Granting unto Murland Associates, 1 Palmer Square, Suite 300, Princeton, New Jersey 08542, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, guardrails and electrical service conduits on Iroquois Way in the 4th Ward, 3rd Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 999:

Resolution CHANGING the name of Verona Place from Lincoln Avenue to a

property line 7540.22' feet northwardly in the 12th Ward, 9th Council District of the City of Pittsburgh to Verona Boulevard.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills? Bills are now ready for final action. All in favor of the passage of the bills vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES Eight NOES None

Bills have received the legally required number of votes and have passed finally.

MS. MCDONALD PRESENTED:

Bill No. 1071:

Report of the Committee on Parks, Recreation and Youth Policy for December 2, 1998, transmitting one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 1001:

Resolution authorizing the Department of Parks and Recreation to enter into a Cooperation Agreement or Agreements providing for the transfer of an amount not to exceed Twenty Five Thousand (\$25,000.00) Dollars to the City of Pittsburgh Equipment Leasing Authority for the purchase of one vehicle for use by the Department of Parks and Recreation Senior Interests Program.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Bills are now ready for final action, all those in favor of the passage of the bill vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. O'Connor
	(Pres't)

AYES Eight NOES None

Bills have received the legally required number of votes and have passed

finally.

MR. DIVEN PRESENTED:

Bill No. 1072:

Report of the Committee on Public Safety Services for December 2, 1998, transmitting one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 989:

Resolution amending, Resolution No. 750, effective October 17, 1996, which amended Resolution No. 882, effective November 18, 1994, entitled: Resolution providing for a contract or contracts; or the use of existing contract or contracts; or agreement or agreements to purchase a microwave communications system for the Emergency Operations Center and providing for the payment thereof? The amended Resolution increases the amount from \$435,000,000 to \$675,000.00, chargeable to and payable from the Microwave Communications System Trust Fund (MCS).

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills? Bills are now ready for final action. All those in favor of the passage of the bills vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Mr. Onorato	Mr. Ricciardi
	Mr. O'Connor

(Pres't)

AYES Seven **NOES** None

Bills have received the legally required number of votes and have passed finally.

MR. FERLO PRESENTED:

Bill No. 1073:

Report of the Committee on Engineering and Construction for December 2, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 1015:

Resolution providing for a Contract or use of existing Contracts, for the installation of traffic signal poles, hardware and associated civil work in connection with the upgrade of various intersections in the Central Business District including, but not limited to Smithfield Street at Boulevard of the Allies; at a cost not to exceed \$110,000.00, chargeable to and payable from the following: Account 600000, Fund 5100, Org. 301000. Project/Grant

2236215, \$60,000.00 from Budget Year 1998; \$50,000 from Budget Year 1996,

Which was read.

Also,

Bill No. 1016:

Resolution amending resolution 307 of 1995, entitled "Providing for an Agreement with a Consultant for Design Services in connection with the Reconstruction of Ft. Duquesne Boulevard from Stanwix Street to Tenth Street; providing for the Reimbursement Agreement with the Commonwealth of PA, Department of Transportation; providing for a Cooperation Agreement with the Pittsburgh Cultural Trust" and providing for the payment of the costs thereof, by increasing the total project allocation by \$200,000.00 from \$900,000.00 to \$1,100,000.00, chargeable to and payable from the following Account: Account 600000, Fund 5100, Org. 301000, Project/Grant 2235887, Budget Year 1996.

Which was read.

Also,

Bill No. 1017:

Resolution further amending Resolution 838 of 1998 entitled "Adopting and approving the 1998 Capital Budget and the 1998 Community Development Block Grant Program; and approving the 1998 through 2003 Capital Improvement Program," by transferring \$60,000.00 from Neighborhood Street Improvements to Central Business District Signalization.

Which was read.

The Chair:

You have heard the reading and title of the bills, is there any discussion on the bills.

Bills are now ready for final action. All in favor of the passage of the bills vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Mr. Onorato	Mr. Ricciardi
	Mr. O'Connor
	(Pres't)

AYES Seven **NOES** None

Bills have received the legally required number of votes and have passed finally.

The Chair:

We have one resolution to be read into the record.

MOTIONS AND RESOLUTIONS

MR. O'CONNOR AND ALL COUNCIL MEMBERS PRESENTED:

No. 1074 WHEREAS, the Pittsburgh Council for International Visitors was founded in 1959, as a non-

profit organization to develop understanding between the people of Western Pennsylvania and other parts of the world; and,

WHEREAS, the Pittsburgh Council for International Visitors was founded by community leaders who recognized that international visitors would be interested in Pittsburgh's renaissance from a polluted industrial city to a livable city; and,

WHEREAS, the Pittsburgh Council for International Visitors serves as the liaison organization between the United States Information Agency's International Visitor Program and Western Pennsylvania by arranging professional meetings between distinguished guests of the United States government and their regional counterparts, while also arranging training relating to management issues; and,

WHEREAS, the Pittsburgh Council for International Visitors introduces international visitors to the Pittsburgh community and its most valuable asset - its people - through the arrangement of professional appointments, site visits, home hospitality and tours of the city; and,

WHEREAS, the Pittsburgh Council for International Visitors also arranges professional and cultural programming for visitors sponsored by regional business, universities and medical centers; and,

WHEREAS, each year, the Pittsburgh Council for International Visitors arranges more than a thousand meetings between visitors and the people of Western Pennsylvania; and,

WHEREAS, from November 30 to December 12, 1998, Budget and Revenue Issues at the State Level, considered a freedom support project for Russia and consists of the following participants:

Ms. Svetlana Pavlovna Borisenkova
Ms. Yelena Mikhailovna Rudova
Dr. Sergey Vasilyevich Demin

Ms. Natalya Alekseyevna Savushkina
Ms. Lidiya Kikolayevna Igumnova

Ms. Yelena Mikhaylovna Timofeyeva
Mr. Aleksandr Lvovich Romanov

Dr. Sergey Vladimirovich Voblenko
Ms. Yelena Aleksandrovna Ruban

Ms. Raisa Ilinchna Zarembo

Accompanied by: R. Roman Borukhov,
Mr. Dimitry Vinogradov and Ms. Olga
Fodany

NOW, THEREFORE BE IT
RESOLVED, that the Council of the City
of Pittsburgh does hereby extend a hearty
welcome to the Budget and Revenue
Issues participants; and,

BE IT FURTHER RESOLVED,
that the Council of the City of Pittsburgh
does hereby declare Thursday, December
10, 1998, "Pittsburgh Council for
International Visitors Day" in the City of
Pittsburgh.

MR. FERLO moved to adopt the
resolution.

MR. HERTZBERG seconded the
motion.

Which motion prevailed.

The Chair:

Anything else under motions and
resolutions?

Mr. Ferlo:

My apologies to my colleagues,
but I have a couple of issues to speak
about. If they have to leave, that is all
right, because I really want to speak to the
public right now about these two issues.

Unfortunately, once again we are
in the middle of a budget session and
budget deliberations and we are not
discussing the budget. We are basically
just discussing each departmental
spending and not so far even with the
discussion with the Mayor as far as I am
concerned much practical discussion about
the livability of our city, what the city
budget means. I would like to raise two
controversial issues that I know my
colleagues are either going to like or hate,
but I am probably going to be introducing
them during the budget in the form of
amendments and I want to start some
debate and dialogue now. And, they're
separate and distinct issues, but they really
have a lot to do with the survivability of
the city, the economics and the budget and
more importantly what the livability of our
communities and our neighborhoods are
going to be.

First and foremost, is the issue that
I raised where when I submitted legislation
to dedicate the players tax, anticipated
revenue of professional sports players
paying earned income tax just like every
other working person does in the City of
Pittsburgh, a figure that would generate
roughly \$740,000. That's met with
obvious opposition from the
administration. We have deferred that
debate until February.

But the reason why I submitted that is, I really believe and I don't know how my colleagues feel about this, but we are turning into a city budget of basically just public safety and key administrative people and the real guts of running the city in terms of the livability in addition to the critical public safety is our parks, our playgrounds, public works basically making the city livable and making people feel like they want to stay and maintain their homes in the city of Pittsburgh.

I think we have reached a breaking point where people more and more at least complaining to me and to my office rightfully so that our parks are falling apart, you name it. There are all kinds of issues that people are raising about livability and the quality of life for our neighborhoods.

The Mayor to me is totally preoccupied maybe rightfully so with major development issues and I think he is missing the picture on lots of other day-to-day issues that people in the neighborhoods are feeling. So I am going to be submitting three suggestions to Council hopefully that I end up with something.

One is the players tax which again will be debated the first part of February. I am going to re-institute this issue of a one tenth of one percent earned income tax with dedicated money for parks and recreation. We have the community enrichment program, which is a great program but it has now been decimated by this administration. In fact we are going to start nickel and diming people to death in the next week with these amendments for the fees.

We are now saying that anybody who wants to come to community enrichment should pay a \$10 fee. You might as well close the program. It is going to be counterproductive. We have continued appropriation for the Big Leagues, for flag football all kind of sporting things that we are not really fully supporting. Every neighborhood group, every parent group that works hard with their volunteer time for our playgrounds, for our little league teams, for the football, for the soccer, you name it, we couldn't put a dollar value on the amount of parental volunteerism.

The problem is we are not matching it by maintaining and cleaning up the fields. Putting in a drinking fountain, put some bathrooms in, clean up the parks, having receptacles. What I am suggesting is that we create a pot of money at least four million dollars either from the players tax or we bite the bullet and raise the one tenth of one percent on the earned income tax which would generate a little over \$4 million. If I can't get support for either of those, I am also suggesting that we take one tenth of the one percent of the existing earned income tax and segregate it out and dedicate it to a trust fund.

So for those who don't want to or don't agree with the strategy of raising the earned income tax for this dedicated pot of money, I am also asking that you at least consider extracting out of the one percent earned income one tenth of it and dedicating it to Parks and Recreation for community enrichment, for Big Leagues, for the flag football, for field improvements. We are spending millions of dollars each year now remodeling and renovating our playgrounds, but even those playgrounds are starting to get in

disrepair and we don't even have money to keep and maintain and fix up the playgrounds that we are spending millions of dollars to clean up. So I want to see money spent on that.

The swimming pool fee, I wish we would just get rid of it. We are spending an inordinate amount of administrative time nickel and dimeing families and kids. We are only collecting a little over \$100,000 in swimming pool fees, it is the cheapest form of childcare we have in the summer for two months for lots of kids that are either in the city or visit the city. We should keep the pools open, we should be encouraging kids to get to the pools and be in and around the community recreation centers. The community recreation centers themselves are empty shells of buildings.

I mean let's be honest. They're not the centers they were 20 and 30, and 40 years ago. The staff does a great job, no question. But they need more financial and practical resources. So we have these great rec. centers that basically they may as well be Berlin Walls in their neighborhoods. There is not creative activities, there is no money for the parks department to do anything. So why maintain this massive infrastructure, bricks and mortar when you don't even have any recreation and activities?

In addition our own Citiparks. The art and cart, the films are disbanded in many communities. Why not open this up? We should use operating budget money not CD money and saying if you are low income you get this money. We need a city that has these amenities regardless of where the park is located, regardless of the neighborhood or the income group. Let's restore some balance

in this budget for the quality of life things that people care about when they want to maintain their families here in the City of Pittsburgh. It has gotten completely out of whack, because the fact of the matter is, we have not raised revenues in ten years, taxes, and we have cut the earned income tax twice at least in my tenure and we are hard pressed.

Now as part of that debate which I will be offering on restoring some money to run the parks and really give something back to our residents, I would like to also suggest another controversial issue and that is the expenditures of police and fire. I am going to suggest and I am going to amend and I don't know if I have support for it. I would like to suggest that we create a Police and Fire Trust Fund and that we take all of the city real state tax revenue and dedicate it specifically and only for police and fire.

And, right now they're almost equal amounts. And that we should tell our residents that when they pay their real estate taxes including future taxes from reassessments or value of property going up, that money goes to pay for police and fire. Direct quip pro quo, we should put that on the tax notice. We're never going to get a fair hearing and the Mayor is always going to be betwixt and between when it comes to binding arbitration with some of these off the wall arbitrators. And politically, nobody on this Council wants to confront police and fire for obvious reasons. We shouldn't because we need the police and fire and we need a quality, well paying professional work force be they police or fire.

But I would like to try to restore some sense of balance. One third of the

budget now is police and fire. I am suggesting an idea where we create a dedicated pot of money from the city real estate tax so when people pay the real estate tax, their property tax to the city they know it is funding the basic core of service of police and fire protection. And as that rises, so will consideration of increases for benefits and wages for police and fire.

But we are moving to a city where we only have expenditures for basic core administration and police and fire at the expense of further eroding Public Works, parks and all the other things that make up the viability of the city.

I am sorry that some of my colleagues had to leave, but unfortunately the way the budget hearings are structured, there is not an opportunity to project ideas and start some debate and dialogue.

Having said that, I would ask that my colleagues just think about some of the things I just outlined. I would like to speak with you all individually. I would like to make an appeal to the public for you to speak out on this issue if you feel that we should be dedicating some money back to support our parks, for the kids, for after school, for cleaning up the parks, for glaciating the parks with some program activities. I would ask that you speak to your elected district representative and participate in this debate. Thank you, Mr. President.

Mr. Cohen:

Thank you. I just want to thank Councilman Ferlo for putting these issues on the table. He is right in terms of the process here that there really isn't much

opportunity to discuss the broad, discuss the big picture, the broad policy issues that Councilman Ferlo brought up. I completely agree with him as to the problem. I may disagree with him about some of the solutions that he suggested, but he has put ideas on the table, and we need to take them seriously. I hope we have an opportunity in the next few weeks to do that.

Mr. Ferlo:

I would like to please let the Post Gazette Editorial Board know that this Council has no power whatsoever to close fire stations. They keep writing these ridiculous editorials that don't even factually reflect reality. If they would take the time to pick up the phone and speak to any one of us, we can at least explain to them some basic tenants of legislative protocol.

Mr. Cohen:

Can I follow up on that aspect too? I agree, I read that editorial about the firefighters, and there was a line in there about Council members saying there is no will on Council to address this issue. I actually ran into one of the editors on the street yesterday and I said how did you determine that there was no will on Council to address this issue? Did you call any -- you didn't call me. Did you call any other Council members? He didn't know the answer and I am sure the answer is no. They find out there is no will on Council by calling the Mayor's Office to find out there is no will on Council. Maybe you ought to call Council first.

Mr. Onorato:

Let me please point out to the editors and add my two cents. The only reason that issue is not on the table or couldn't be on the table is because there was a unilateral decision made by the Mayor and the Union on an addendum to the contract which we didn't even approve. So Council didn't have any say so over it.

So, I wish they would get their facts straight when they talk about what exactly Council has the authority to do and what they don't have the authority to do. That was part of a negotiation of union contract that this body has nothing to do with. It came out of arbitration and there was an addendum of the agreement between the Mayor and the head of the fire union.

The Chair:

Let me ask you one of the most popular -- if it is a tax -- popular tax is the ball player's tax. I have heard it from my constituents certainly would like that tax to go to what you were indication of use, youth organizations in the city. But I really like what you just said. Again, I have had mixed emotions about the swimming pool but if that can eliminate that fee, and they can police them so that outside agitators, that was one of the small reasons I think the selling point was some may border other areas that people from out of the city would use it without a pass or something that was maybe a poor excuse.

But I would certainly like to support and start initiating if you eliminate the pool fees and if you look at our summer activities how well Big Leagues and those things are going, compared to the winter facilities because the manpower

isn't there, it is like day and night.

So, if we can take the tax and direct it to our city youth, I know you have the support of all the constituents I have talked to.

Mr. Ferlo:

Thank you.

The Chair:

Anything else? Motion to approve the minutes.

MR. COHEN moved to approve the minutes.

MR. FERLO seconded the motion.

MR. FERLO moved to adjourn the meeting.

MR. COHEN seconded the motion.

And on the motion made by Mr. Ferlo, the meeting adjourned.

MUNICIPAL RECORD

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ONE-HUNDRED THIRTIETH COUNCIL

BOB O'CONNOR..... President
LINDA M. JOHNSON-WASLER.... City Clerk
JOHN R. MASCIO..... Deputy City Clerk

Pittsburgh, PA
Tuesday, December 15, 1998

PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Diven	Mr. Ricciardi
Mr. Ferlo	Mr. Udin
Mr. Hertzberg	Mr. O'Connor
Ms. McDonald	(Pres't)

The Chair:

All please rise for the pledge of allegiance and remain standing for a moment of silent prayer for peace and hope throughout the world.

We have two special guests today, Emily Teele and Michael Stern. They are both in the fifth grade at Winchester Thurston in Shady Side. They live in Councilman Dan Cohen's District and they are here with their parents.

Emily Teele and Michael Stern:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all.

The Chair:

Thank you very much. We have a special gift for you, a flag of our city and country.

We have many special guests in the audience today.

PRESENTATIONS

Mr. Diven:

Thank you. At this time I would like to call up Sargent Burke, Mr. Micknowski and Smokey Heinz and Linda Schueler and Wyatt.

Colleagues, this is to recognize them for their work with Project Blue Light, which encourages people to place one single blue light with their Christmas decorations in their window during the holiday season to commemorate all the police officers who in the line of duty were either wounded or killed and the legacy that that loss has left with those families. So with that, I am going to read the proclamation.

MR. DIVEN AND ALL COUNCIL

MEMBERS PRESENT:

No. 1075 WHEREAS, Project Blue Light is a special event that, during this holiday season, affords the people of Pittsburgh an opportunity to demonstrate their support for the men and women of the Pittsburgh Bureau of Police who are working night and day to keep the streets of the City of Pittsburgh safe and;

WHEREAS, Project Blue Light asks Pittsburgh residents to display a single blue light in their window during the Holiday Season in remembrance of law enforcement officers who have lost their lives in the line of duty and in support of their loved ones and families who must confront the reality of their loss every day of the year and;

WHEREAS, Project Blue Light is also a sign of the public's support for law enforcement officers who have been wounded or disabled in the line of duty and;

WHEREAS, Pittsburgh's Project Blue Light is sponsored by the Fraternal Order of Police Fort Pitt Lodge No. 1 and Fort Pitt Lodge no. 91, Fort Pitt Lodge No. 1 Auxiliary, and The Law Enforcement Officers Memorial of Allegheny County.

NOW THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh commends the Fraternal Order of Police Fort Pitt Lodge No. 1, and Fort Pitt Lodge No. 91, Fort Pitt Lodge No. 1 Auxiliary, and The Law Enforcement Officers Memorial of Allegheny County for sponsoring Project Blue Light and hereby declares the week of December 20, 1998 through December

27, 1998, to be "Project Blue Light Week" in the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

MR. FERLO seconded the motion.

Which motion prevailed.

Mr. Diven:

With that, I would like to call up Smokey Heinz from the F.O.P. to say a few words and Mr. Macknowski and Mr. Burke also.

Mr. Heinz:

Thank you, Mr. Diven. The amount of work that I do and the Project Blue Light pales in comparison to what these folks do. I really do very little. I just try to keep the word out there. These guys and ladies from the auxiliary do a tremendous amount of work.

One of the things I notice this is a (inaudible) thing, it's been going slowly but every year you see more and more lights out there. I was out walking last night up in Beechview and I saw several residents who had never had it. They have got a single blue light in their window. And that is as a result of the effort of these guys. And I just want to thank them and thank Council for this proclamation.

Mr. Micknowski:

My name is Ray Micknowski, member of the County of Allegheny Law Enforcement Officers Memorial and I am also the Project Chairman for Project Blue Light. The reason why we want people to

put a blue light in the window is to honor those officers who have died in the line of duty. But also to show the officers out there on the street that people support them and this time.

The blue light is a representation of the thin blue line between the criminal and the public. We want the people to know that the officers are out there doing their job. We want the officers to know that people are concerned and support them in their daily work. So that is the reason for the blue light.

We also have a blue light display downstairs if you get the chance, down on the first floor lobby with the World Peace with Earl Jones where we have a blue Christmas tree. It is decorated with the blue lights, it also has the patches and blue candy canes. So if you get a chance stop down and visit.

I would like Sargent Bill Burke, he is the Chairman of the Law Enforcement Officers Memorial.

Mr. Burke:

Once again, I would like to thank Council for all you have done for us, for the memorial. Giving us the site over there and the proclamations every year and all your help. We have lights over there, we will have water and we will have a handicap ramp come Spring for the memorial and that was through Dan Onorato's effort and Council. I really appreciate it.

The blue light is something that was started in 1988 in Philadelphia and brought here by the auxiliary to the LEOM in '90 and we have been pushing it. And,

every year more lights go out and it looks great. I know when I was working, riding around at night seeing that blue light, seeing the support of the people really makes the difference.

I would like to thank you, Jim Ferlo, for the donation for the Adopt A Cop putting a vest on an officer out there. The City of Pittsburgh issues a vest to every officer. A lot of the boros and townships do issue their vest but there are townships that cannot afford it and the Adopt A Cop is there to help them.

We wish everybody a happy holiday and a Merry Christmas, Happy Hanukkah and a bright and happy New Year. Thank you.

Mr. Jones:

I wanted to be here again in front of Council. Last time I was here last Tuesday I brought my wife, she was dressed as Mrs. Santa Claus. Everyone complimented her on how nice she looked. I left her home today; I can't take the competition. But she does deserve the credit.

The reason I work with the whole Public Safety Department is because I am a volunteer. I respect everything that they do. If anyone has the opportunity to say to each and every one of them you're doing a wonderful job, I think it would be appropriate.

I would also like to thank all of City Council and the Mayor for working with and helping me to promote what I believe in. Thank you all very much.

Mr. Udin:

Yes. First of all I would like to thank Councilman Diven for making this proclamation available. I would like to say to Smokey Heinz and Earl Jones and the other representatives receiving this proclamation, this Operation Blue Light for me represents an opportunity that is kind of rare. Because we spend a lot of time here on Council debating issues regarding the City's police force and how the policing will be done in the city.

We have so many times when we expressed disagreement on various areas that it seldom offers us an opportunity to express the support that I believe in a fine police force, that makes it possible for me and my family and my community to sleep at night knowing that they are on the wall protecting our community and helping us to live in our community of crime and drug trafficking and other kinds of things that we are trying to rid our community of that we have to be in partnership with the police department.

So we struggle about some things, but when it comes to the officers who have died in the line of duty, I take my hat off to those officers. I take my hat off to the entire police department in efforts to try to improve a professionalize police department. Thank you very much for giving me this opportunity.

Mr. Onorato:

Bill Strickland, you want to come forward.

Colleagues, as Mr. Strickland is coming forward, I think a lot of you know him. You read about him. I wanted to do this proclamation today just to recognize one of his recent award, but more

importantly I got to know Mr. Strickland over the years. I got to tour Manchester Craftsman Guild a few times and I am still totally impressed with the mission statement of that particular program. As far as I am concerned we have a gentleman here that's figured out how to solve some of the problems in this city.

He figured out how to take city kids and have them prepared to do very good jobs in society. I think we can all learn a lot both here and in particular at the school board on different types of methods of thinking outside of the box of how we educate children in this country especially in urban America.

I am going to read the proclamation and then we will hear from Mr. Strickland a little bit.

MR. ONORATO PRESENTS:

No. 1076 WHEREAS, the Manchester Craftsmen's Guild was one of ten groups chosen from 615 nominations nationwide for the new "Coming Up Taller" Awards; and

WHEREAS, Hillary Rodham Clinton presented the award and a \$10,000 check to Mr. Bill Strickland, Executive Director of the program during an hour long ceremony in the White House East Room; and

WHEREAS, Mr. Strickland is widely recognized for his efforts to reach young people in at-risk communities. He founded the apprenticeship program in 1968. The courses offer training in visual, music, media arts manufacturing, books, digital computer imaging, ceramics, photography and jazz; and

WHEREAS, the Manchester Craftsmen's Guild enrolls 350 to 400 high school students each year from the public schools. The after-school program encourages students and pushes them to pursue their education; and

WHEREAS, the most important aspect of the Manchester Craftsmen's Guild's program is the teacher-student mentoring experience. Students work one on one with a staff of 20 teachers to form life-changing relationships.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates Mr. William Strickland, Executive Director of the Manchester Craftsmen's Guild for his receipt of the "Coming Up Taller" Award and for his success in positively influencing Pittsburgh's at-risk youth through the programs of the Manchester Craftsmen's Guild.

MS. MCDONALD moved to adopt the resolution.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

Mr. Onorato:

Before I turn it over to Mr. Strickland, I would encourage anyone if you get an opportunity especially my colleagues if you haven't been there yet, to take a tour of the facility and to have Mr. Strickland explain exactly how he matches corporate needs with the youth in this city. And that's something we have talked about every year here is how do we get high school kids into city jobs and into other jobs to match their skills in what the

companies need.

Mr. Strickland figured that out and if he could say a few words about what exactly is going on there at the center now, I would appreciate it.

Mr. Strickland:

It actually means a lot to get this recognition for the work I am doing in my neighborhood. And, it is my neighborhood, I was born there and I intend to stay there for rest of my life.

What I am really trying to do with that community is to replicate what I had as a youngster on the North Side. I went to Manchester Elementary School and there was six foreign languages spoken in that school. We didn't call it multi culturalism, we called it a neighborhood. And people got along fine. We looked out for each other and many people from many ethnic groups collectively recognized that their faith was shared by each other.

I want that back again. I want that back in Manchester and I want that back on the North Side. So I have devoted my life and my school to bringing ethnic groups, races and different economic communities together in a way that makes some sense not by speeches, but by doing it. And I hope that this will represent a model that this community meaning the community in Pittsburgh and Allegheny County and really accept as a way to get ourselves back on track.

We have got some exciting examples of what kids can do when they are given just a little encouragement. We have races coming together. I have never

had an incident in the 11 years of operation, no security in the building, no drugs, no alcohol, no racial incidents, there are answers to this. This recognition really just encourages me to continue to do the things that I do. And what I would like to ultimately be known for is commonsense, which I happen to believe in very strongly as a lot of the antidote for what is troubling our community. Thank you very much for this.

Mr. Udin:

Mr. President. Mr. Strickland is being a little bit humble this morning. He's the recipient of numerous awards including the McArthur Foundation Genius Award and many, many other awards in addition to which he is currently building a new office building near the Manchester Craftsman Guild as well as a huge high tech greenhouse on the North Side.

There are many, many examples of success that Mr. Strickland and the Manchester Craftsman Guild Family have exhibited in that institution. It is a multi faceted institution that includes music, not only playing jazz but also state of the art recording studio in addition to the arts, in addition to the job training, and as a matter of fact there are people all over the country trying to get Mr. Strickland to come to their cities to duplicate what he has done in Pittsburgh.

So I would just like to take this opportunity to thank you not only for what you have done in your neighborhood but for what you're doing for the city and ultimately before the day is done what you will have done for the country.

The Chair:

Bill, I understand there maybe a little movie about you. Maybe the whole world will know something about you pretty soon. We can say we knew you when.

Mr. Udin:

Thank you. Good morning. I would like to first ask Dan Onorato if he would join me hear in presenting this proclamation and ask Ms. Ethel Hagler and also all the people associated with her to please join us up front.

Colleagues, I only wish that I can live long enough to become the kind of institution that Ms. Hagler has become. Not just by living a long life, but by a life of dedicated community service. I am sure that all of the members of Council have run into Ms. Hagler. I hope you didn't get run over by her because when she is determined to get something done, if you get in the way, you will get run over.

But coming up is Ms. Hagler's 90th birthday and as you can see she is surrounded by friends and family and church members, all of whom are celebrating her life and her accomplishments. I am proud to be able to participate in this day acknowledging your service as well. I would like to read the proclamation.

MR. UDIN AND ALL COUNCIL MEMBERS PRESENT:

No. 1077 WHEREAS, on Thursday, December 19, 1999, Mrs. Ethel Hagler will celebrate her 90th birthday and her family and friends continue to honor

her for her years of service in her community and church; and

WHEREAS, Mrs. Ethel Hagler is one of the founders of the first Neighborhood Housing Service in the country and has served on the Board since its beginnings in 1967; and

WHEREAS, Mrs. Ethel Hagler is a founding trustee of Pittsburgh History and Landmarks Foundation and has served as a board member since that time; and

WHEREAS, Mrs. Ethel Hagler has provided leadership to the Central Northside Neighborhood Council on many issues including housing, preservation, community advocacy, social services and perhaps best known for her organizing of the annual community Thanksgiving Dinner and continues to serve on the Board of Directors; and

WHEREAS, since 1971 Mrs. Hagler has faithfully served as a Board member on West Park Court, the senior home and serves as a board member on Arch Court, the assisted living facility now under construction; and

WHEREAS, Mrs. Hagler organized the Community Block Club to advocate and provide support for near-by neighbors, particularly those in sickness, tragedy and difficult circumstance. Included in this is engage the Garden Club of Allegheny County to beautify the neighborhood with flowers, building the parking lot and garden on Loraine and Boyle and distributing holiday baskets for residents; and

WHEREAS, Mrs. Hagler has faithfully served her church, Brown

Chapel AME since March 1931. She always has a smile for everyone. Her unselfish dedication to others has made a difference in a lot of people's lives.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh commends Mrs. Ethel Hagler for her many years of work, dedication and commitment to the City of Pittsburgh.

MR. FERLO moved to adopt the resolution.

MR. RICCIARDI seconded the motion.

Which motion prevailed.

Mr. Udin:

I would like to ask Councilman Onorato if he would come and say a few words and Darla Cravotta if you would come up and say a few words. You were very instrumental in helping to get this together as well.

Mr. Onorato:

I will be brief. Anytime I see this many North Siders walk in the room, I get a little nervous, some kind of protest going on. I want to congratulate you.

Obviously you have a lot of good friends and your reputation is out there. I heard about your reputation long before I met you and met some of these people standing here today. I want to thank you for being part of that glue that makes North Side a great place and a special place.

Ms. Cravotta:

I met Mrs. Hagler in 1990 and she is a board member of a neighborhood organization that I worked for as an organizer. She would call me and tell me what to do. It's 1998 and Mrs. Hagler still calls me on the phone and she tells me what to do and I faithfully take care of it.

So I love you so much, and congratulations. I would like to have Mrs. Hagler's niece, Patricia, come up and say a few words.

Ms. Sutton:

For as long as I have known her she has always been very energetic. All I have to say is I hope that I will be just as energetic at her age.

Reverend Thompson:

First of all I would like to thank the Council for having the wisdom in making this Ethel Hagler's day. This is a good day and I thank God for it.

Mrs. Hagler is instrumental as already been stated at the Brown Chapel at AME Church, we're thankful for the fact that she is an instrumental part of our organization. Believe me, whatever she sets her mind to do, somehow it gets done. And I am thankful for that and I am thankful for her and I am thankful again for the wisdom of the Council and Brother Udin for making this Ethel Hagler's day. Amen.

Mr. Udin:

I would like to call on Mrs. Hagler to share a few words with us if you will.

Ms. Hagler:

I will tell you this, this is the happiest day of my life. Give me my flowers while I live, and these are my flowers. I appreciate all of your kindness to me.

I don't know anything that I love any better than working. I just love it. I love it and getting things done. We are right now in the process of baskets for the needy families, Mrs. C. and Mrs. Alvern and all these people -- Mrs. Alvern would have been here but she has a terrible cold, but I tell you she was the start of me on my way through the neighborhood. We just went on and on and on.

And, I want you to know from the depths of my heart that this is a happy time of my life. I don't know anything I love any better. I have been trying to get somebody else to walk in the footsteps because I don't know the joy that you get out of it when you can see other people as happy and doing things and getting jobs done. I love my church. I love it. And I want to thank you.

I don't want to take up any more of your time, but I want you to know thanks a lot for everything because I know the bankers and I know the different people that I have enjoyed working with, they know me and I know them. The Mayor and all that and coffee clutches and doing things through the neighborhood. Thank you very much.

The Chair:

We have one to be read into the record from Mr. Diven.

MR. DIVEN PRESENTS:

No. 1078 WHEREAS, on Thursday, December 17, 1998, the Pittsburgh Police Department will honor 23 individuals who are retiring from the Police Force; and;

WHEREAS, these retiring men and women have served bravely throughout their careers by maintaining the safety of our City and by recognizing that the life and liberty of it's citizens is paramount and;

WHEREAS, although the streets of Pittsburgh are increasingly dangerous, the members of Pittsburgh's Police Force challenge themselves everyday to perform their duties with the utmost responsibility and pride and;

WHEREAS, the City of Pittsburgh draws many visitors into our area each year for many social, cultural and sports events, and our City Police Officers are called upon to maintain the peace and dignity at these events, so we also recognize these fine men and women as Goodwill Ambassadors and;

WHEREAS, the Fraternal Order of Police Annual Retirement Party is one of the F.O.P.'s main events of the year and highlights good fellowship and fraternalism at it's best.

NOW THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh joins with the citizens of Pittsburgh in recognizing and saluting those 23 retiring police officers for their dedication and distinguished service on behalf of the City of Pittsburgh and;

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh

declares Thursday, December 17, 1998 to be Pittsburgh Police Retirees Day in the City of Pittsburgh.

MR. HERTZBERG moved to adopt the resolution.

MR. FERLO seconded the motion.

Which motion prevailed.

The Chair:

We will now move to presentation of papers.

MR. DIVEN PRESENTS:

No. 1079 Resolution providing for the transfer of funds totaling Five Hundred Thousand (\$500,000) Dollars from various accounts within the Department of Public Safety, Bureau of Police, to the Public Safety Training Account Trust Fund, Department of Public Safety, Bureau of Police.

Which was read and referred to the Committee on Finance and Budget.

MR. FERLO moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MS. MCDONALD seconded the motion.

Which motion prevailed.

MR. HERTZBERG PRESENTED:

No. 1080 Resolution prohibiting the Imposition of fees for youth programs

in the Community Enrichment Program.
(SPONSORED BY MR. HERTZBERG)

Which was read and referred to the Committee on Parks, Recreation & Youth Policy.

MR. HERTZBERG moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bill will be on the agenda this Wednesday.

MS. MCDONALD seconded the motion.

Which motion prevailed.

Also,

No. 1081 Resolution approving execution of Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Continental Communities, Ltd., or a subsidiary to be formed for the sale of Parcel A (Part of Block 29J Lot 8) in the Sixteenth Ward of the City of Pittsburgh in Redevelopment Area No. 55 - 25th Street, East Carson Street, 26th Street and the Monongahela River (Council District No. 3)

Which was read and referred to the Committee on Housing, Economic Development & Promotion.

MR. ONORATO PRESENTED:

No. 1082 Resolution naming the footbridge that extends over Route 28 to the Sarah Heniz House the "Charles J. Lieberth Pedestrian Walkway" --
(SPONSORED BY MR. ONORATO)

Which was read and referred to the Committee on Public Works, Water and Environmental Services

MR. ONORATO moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. RICCIARDI PRESENTED:

No. 1083 Resolution adopting a Tax Increment Financing Plan presented by the Urban Redevelopment Authority of Pittsburgh creating the South Side Works Tax Increment Financing District, and making certain findings.

No. 1084 Resolution authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh, the County of Allegheny and the Pittsburgh City School District providing for the financing, monitoring, implementing and terminating of the South Side Works Tax Incremental Financing District.

Which were read and referred to the Committee on Housing, Economic Development & Promotion

MR. RICCIARDI moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. ONORATO seconded the motion.

Which motion prevailed.

MR. UDIN PRESENTED:

No. 1085 Resolution Contingently exempting taxes within a specific geographic area in the City of Pittsburgh designated as a proposed Keystone Opportunity Zone in order to foster economic opportunities, stimulate industrial, commercial, residential improvements and prevent physical and infrastructure deterioration within areas of the City of Pittsburgh, Commonwealth of Pennsylvania.

MR. UDIN moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Point of order, Mr. President. Thank you very much. There was legislation today presented by Councilman Hertzberg regarding a legislation that will allow for a sale of property in the South Side of Pittsburgh if I am not mistaken.

I would ask for two things, first of all the legislation did not go through the proper committee, which is the committee that I was appointed to by Council President Mr. O'Connor. I would ask that the legislation be changed from -- by

presented I believe Mr. Hertzberg to sponsored by Mr. Hertzberg if it is not going through committee.

Also, I would ask this body to save me the 30 minutes to go out and get 25 signatures, that's what it takes once legislation is presented you have three days for a Public Hearing. I would like to make a motion for a Public Hearing and that Public Hearing will occur after January 17th, which is a meeting in the South Side of Pittsburgh with the community on that particular item.

So I would ask Mr. Hertzberg to please change that to sponsored by Mr. Hertzberg and also a motion for a Public Hearing.

Mr. Hertzberg:

First, I would like to take issue with Mr. Ricciardi's characterization of it being submitted through the wrong individual. I have got our Council rules right in front of me. Council rule number 9A4 that describes the Committee on Housing, Economic Development and Promotion, and the final sentence in that revision says all communications or matters to be brought forward to Council from any of the city authorities shall be directed to the respective Council member serving on the authorities governing body.

This was from the URA, I am a member of the Board of Directors of the URA. So, I am the appropriate person to be introducing this legislation. I am not sponsoring it, I am introducing it. I did not write the legislation. Therefore I am not sponsoring it, but I have no objection whatsoever to Mr. Ricciardi's request for a Public Hearing. I am fully in support of

that.

I just want to correct the record as to what the proper procedure is here and to the fact that I am not sponsoring it, I am introducing it and it does belong with me to introduce it.

Mr. Ricciardi:

Let me say to that, I will accept the argument put forward by Mr. Hertzberg because it appears he has the rules of Council. Let me say however it's a pity because traditionally it was not followed in that last sentence. Traditionally all URA bills I can go back to myself and back several years to see they always went through the committee that was established by Councilman Ferlo when he was President of Council, which I was appointed to.

On the motion, I would like to make a motion for a Public Hearing.

MR. ONORATO seconded the motion.

Mr. Ferlo:

Discussion. On the Public Hearing it seems as though there is a vote of contention or some concern that Councilman Ricciardi has about this issue. I don't even know what the issue is, but I am concerned that if there is a Public Hearing that it be held within whatever appropriate time frame so that the hearing date itself is not nullified or kill the proposed action.

I don't know what the issue is to be quite honest here. I am sure Mr. Ricciardi has raised significant concerns. I'm sure they are legitimate and I am sure it is

something all of us would want to hear and be concerned about. I don't want the hearing time to be established by the President to be so late that it nullifies the issues. We deserve an opportunity to hear what the criticisms and the concern is by Mr. Ricciardi, South Side organizations, neighborhood groups, the adjoining property owners, or what have you. I am not clear on what the issue is. Is there a time frame?

The reason I raise that is that we're on the final hours now of introducing and I am also cosponsoring a resolution today for the Keystone Opportunity Zone, which is a deadline for December 31. I don't know if this is the same issue here with this?

The Chair:

I don't believe it is. I don't believe it is Keystone Opportunity Zone.

Mr. Ricciardi:

The issues that I am going to bring forward is going to be many and hopefully you had a chance to review my correspondence. The issue that I have is broken promises on the LTV site, broken promises of increased tax revenues on the LTV site, broken promises of the creation and retention of jobs on the LTV site, broken promises of home ownership on the LTV site, broken promises of URA now opposing the historical designation expansion onto the LTV site. I have been working very calmly and very professionally with the Chairman, the Chairperson of the URA, Mr. Cox. I have met several times with Mr. Cox, I have had correspondence with Mr. Cox, we are moving forward.

Also, the issue also has become the ability and not just the ability but the participation of union labor on the LTV site. As all Council members know on this body, I have always been very respectful to the Councilperson through my committee. I have always asked people do you want me to present this bill? Do you need more time? Went to Mr. Udin several times last week, would you like these bills presented? Do you need more time? When I had some concerns about the development on the Nine Mile Run Site, I initially voted was abstention, I went to Mr. O'Connor and said Mr. O'Connor it is your district, do you feel comfortable with that? I supported this.

By Mr. Hertzberg presenting this legislation to be perfectly honest with Council members, I take it as a personal front. All it's doing is hurting my ability to negotiate and communicate in the hallways of the City County Building to make sure that the LTV site is developed the way, not the way the community groups believe it should be, but the way the majority of South Siders believe it should be.

I recall I did the same thing when it came to gambling on the LTV site. I am very sorry that all this had to come forward in a public manner such as this, because a lot of times I like to do things and make sure it is all ironed out before it is going.

There is going to be no rush on this Public Hearing. I am asking for professional courtesy from this body. I am asking for people to show their friendship and loyalty the way I have to all of you.

There will be no rush on this

Public Hearing. I will be working with Mr. O'Connor to gain his support to make sure the Public Hearing happens after the January 17th meeting in the South Side of Pittsburgh.

I will continue to work with Tom Cox. I am very disappointed in the Director of the URA that he would lobby and call all members or most members of City Council when he reports to the Chairperson of the URA and that's who I am working through, not staff members but Chair of the URA. We were making inroads on what I was looking for. I had a brief conversation even with Mayor Murphy this morning. I thought everything was going fine. I never in my heart believed that Mr. Hertzberg would present this legislation.

There will be no rush on this Public Hearing, Mr. O'Connor.

Mr. Ferlo:

Mr. President, my only point is to thank Mr. Ricciardi for his clarification. Unfortunately, I did not have time nor maybe with the budget did I notice that he had sent us a memo. But my only point was and obviously I am in favor of a Public Hearing on any issue that is requested by colleagues or the community. I am only asking that if there is a time constraint, and I don't know that there is, that the President please be mindful of that. There is a time constraint on the issue of Keystone Opportunity Zone.

The Chair:

This legislation will carry over to next year. It shouldn't be a problem to hold the Public Hearing at the proper time.

Mr. Hertzberg:

I agree with quite a bit of what Councilman Ricciardi has said. I look forward to discussing or arguing or whatever debate we need to have over the LTV site. I look forward to that. Including the issues of organized Labor, I couldn't be more supportive of Mr. Ricciardi.

In fact the issue came up when we had a discussion over this particular parcel at the URA Board Meeting and we have a member of the International Brotherhood of Electrical Workers that sits on the URA Board. So there was a decision and it's a concern and I agree with Councilman Ricciardi and it's a concern of mine. What I don't agree with him is the fact that bringing this up in Council and debating it in an open and public manner is the wrong thing to do. I don't agree with him.

I try to sit here and make sure everything is done fairly whether it is my district or anyone else's district on this Council. Things should be done in a fair manner, above board in the public. And that's all I am trying to ensure, Mr. President. I have no problem, Mr. Ricciardi, of holding this thing for a little while trying to work it out, but not forever, it was approaching forever, Mr. President.

And, under the rules, I am actually supposed to introduce it any ways. By no means do I want to offend Mr. Ricciardi. It is not any kind of a personal attack on him. It is just my view on what is the fair way we should conduct business on this Council.

The Chair:

Did we take a vote on the Public Hearing?

Mr. Onorato:

One thing too, Mr. President. I think something came out of this discussion that we do need to clarify, the rules of Council. I know former President Ferlo actually redrafted the rules a while ago to help define our committees a little better because the loss of the Water Department and it was very good the improvements. But I think the issues of what particular boards we sit on, we have to define better what legislation goes through each committee.

From a procedural point of view, I think there is a very strong valuable tool here in that anyone of us especially when it comes to a particular project in our district having the power to hold a piece of legislation that doesn't get presented. I don't say that in a negative way or as a dirty political move, I think that is very healthy.

What happened to this city once we went to district elections and we eliminated city planners throughout the city, we basically became the city planner in our districts. We became the eyes and ears of our districts. I think my seven years here is what I discovered is the eight, nine of us sort of defer to the Councilperson's district. It is because we recognize they're the person who goes home to that district every night and knows it.

I want to be very careful and I don't think this was intended by Mr. Hertzberg or anyone else here. We allowed that leverage to exist so that the administration

is forced to Mr. Ricciardi's desk or my desk or Mr. Hertzberg or anyone's desk on an issue that can drastically effect our districts. There is a particular building on LTV I can tell you right now Mr. Ricciardi in good faith supported, and I think he got a good wind that and he admits it now that they put up something that is very ugly over there, very ugly. When they were guaranteeing him it was going to be a sharp looking building architecturally. He has to go back to his people and explain to them we supported this and they gave us their word it is going to be a nice looking building.

I have to tell you, we all have egg on our face because it is not a nice looking building. One of these buildings went up on Washington's Landing also, in my district, it is very ugly. I think sometimes we have to have that leverage to say listen this thing isn't even getting to Council until you deal with me. And, if anyone can point the finger to South Side and try to say that the growth over there isn't happening and that Mr. Ricciardi I think is doing a great job in controlling the growth in a proper way, because if it was just a free for all without any rules and regulations, I don't think we would like the type of growth. South Side is one of the crown jewels of this city right now. It is growing at a great rate and Mr. Ricciardi is trying to balance all the interests.

I think sometimes we have to let our colleagues keep the leverage so that it doesn't look like we are picking each other off here, because I don't think it is healthy for the process.

Mr. Udin:

I don't intend to speak to the

specifics on the South Side, but I do want to speak in support of the need for us to find a way to balance the role of the Council members sitting on an authority versus the Council member chairing a committee, versus the Council member who represents a certain district. Sometimes those interests conflict.

It was very frustrating to me as the representative of Council District Six to have certain Council members being lobbied by the people from the Maglev project and overruling the interest of the people of that district on Maglev. That was very, very frustrating. But we did it any way.

If there is a way that we can figure out how to resolve those issues, I think we need to find a way to resolve them in our offices and in the hallways. So that when we come to Council, we come in a responsible and professional manner and we don't air our dirty laundry, not everything needs to be done publicly. Some things we need to resolve behind closed doors and get it done. But I do want to speak in favor of the need for managing some of the conflicts that come from our different positions and hats that we hold. Thank you.

The Chair:

We have plenty of time to have the Public Hearing and have it fully discussed. So every Council member is apprised on what is going on in that issue.

Mr. Ricciardi:

We have to take a vote.

The Chair:

Officially on the Public Hearing.

Which motion prevailed.

MR. UDIN PRESENTED ALSO:

No. 1086 Resolution providing for a warrant in favor of Titus & McConomy in the amount of Four Thousand Four Hundred and Fourteen Dollars and Thirty-two Cents (\$4,414.32) in payment for actual costs incidental to Contract 37384 for professional services, furnished for the benefit of the city without previous authority of law, chargeable to and payable from Account 522900, Fund 1000, Organization 999900, Subclass 150, Budget Year 1998, in the Citizen Police Review Board.

No. 1087 Resolution providing for a warrant in favor of COMPUSA in an amount not to exceed Eleven Thousand Seven Hundred and Thirty-four Dollars and Eighteen Cents (\$11,734.18) for the purchase of computers necessary for the startup of the Citizen Police Review Board, without previous authority of law, chargeable to and payable from Account 525500, Fund 1000, Organization 999900, Subclass 150, Budget Year 1997, in the Citizen Police Review Board.

No. 1088 Resolution providing for a warrant in favor of American Legal Publishing Corporation in payment for professional services for the Pittsburgh Code, at a cost not to exceed \$3,724.00, chargeable to and payable from Account 525500, Misc. Services, Budget Year 1998, Office of the City Clerk.

No. 1089 Resolution authorizing the transfer of \$79,000.00 from within the Citizen Police Review Board spent

salaries, Acct. 511000, Fund 1000, Budget Year 1998 to Citizen Police Review Board Acct. 525500, Fund 1000, Budget Year 1998.

No. 1090 Resolution providing for the transfer of \$5,000 (Five Thousand Dollars) FROM fund 1000, account 560500, sub-class 140 organization code 109000, TO fund 1000, account 564300, sub-class 030, organization 109000, Department of Personnel and Civil Service Commission.

No. 1091 Resolution amending Resolution #472 of 1998, effective August 26, 1998, entitled "Resolution providing for a professional services agreement or agreements with KPMG Peat Marwick, LLP for the performance of the City's Financial Statement including Single Audit, Cost Allocation Study, and Regional Asset District Award Audit for the years ending December 31, 1997 through December 31, 1999, at a total cost not to exceed Five Hundred Sixty-Four Thousand Forty Dollars (\$564,740.00) over three years" so as to eliminate the performance of Disaster Cost Recovery Services from the scope of services and to decrease the authorized amount from Five Hundred Ninety-Four Thousand Seven Hundred Forty Dollars (\$594,740) to Five Hundred Sixty-Four Thousand Forty Dollars (\$564,740).

No. 1092 Resolution providing for an Agreement or Agreements in a form or forms approved by the City Solicitor, with a Court Reporter or Court Reporters in connection with the taking of testimony at Civil Service Commission and Appeals Board hearings. Said Agreement or Agreements shall not exceed Two Thousand Dollars (\$2,000.00), and are

chargeable and payable from Account #526100 Miscellaneous Services (Miscellaneous Professional Services). Fund 1000, Sub Class 150, Organization Code 109000, Department of Personnel and Civil Service Commission.

No. 1093 Resolution providing for an Agreement or Agreements in a form or forms approved by the City Solicitor, with a Consultant or Consultants for professional services in connection with the research, evaluation, validation, preparation, administration, scoring, and interpretation of Civil Service examinations. Said Agreement or Agreements shall not exceed Fifty Thousand Dollars (\$50,000.00), and are chargeable and payable from Account #526100 (Miscellaneous Services). Fund 1000, Sub Class 150, Organization Code 109000, Department of Personnel and Civil Service Commission.

No. 1094 Resolution providing for an Agreement or Agreements in a form or forms approved by the City Solicitor, with various hospitals and/or physicians for professional services in connection with the administration and evaluation of medical examinations & tests for the Civil Service Commission's Medical Examination program for uniformed and other employees and candidates for employment and promotion. Said Agreement or Agreements shall not exceed Fifty-five Thousand Dollars (\$55,000.00), and are chargeable and payable from Code Account #526100 (Miscellaneous Services). Fund 1000, Sub Class 150, Organization 109000, Department of Personnel and Civil Service Commission.

No. 1095 Resolution an Agreement or Agreements in a form or forms approved by the City Solicitor, with a medical facility or facilities and a laboratory or laboratories for professional services in connection with the administration and evaluation of federally mandated and bargaining unit specified employee and applicant drug testing and for payment of the cost thereof. Said Agreement or Agreements shall not exceed Forty Thousand Dollars (\$40,000.00), and are chargeable and payable from Code Account 526100, Miscellaneous Services, Fund 1000, Sub Class 150, Organization Code 109000, Department of Personnel and Civil Service Commission.

No. 1096 Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were read and referred to the Committee on Finance and Budget.

MR. O'CONNOR PRESENTED:

No. 1097 A petition from the residents of the City of Pittsburgh requesting a Public Hearing on anti-littering ordinance, Section 60111 of the Pittsburgh code.

Mr. Ferlo:

On littering, are they for it or against it?

The Chair:

They want the littering laws to be

enforced.

UNFINISHED BUSINESS

Under unfinished business, I have Bill 1010 appointing Eric Momberger to the Review Board.

MR. O'CONNOR PRESENTED:

No. 1010 A resolution approving the appointment of Eric Momberger as a member of the Contracting Out Regulation and Review Committee for evaluation of proposed outsourcing of Emergency Medical Services Billing function.

The Chair:

Sorry, not the Review Board, the Regulation and Review Committee. Roll call vote.

The ayes and noes were taken accordingly to law, and were:

AYES:

Mr. Cohen Mr. Diven

NOES:

Mr. Ferlo

Mr. Hertzberg:

Did we have discussion on this? Is it too late to hold some form of discussion on this issue? I think it is a very important issue.

The Chair:

You want to discuss it now or do you want to hold it for Wednesday's

meeting?

Mr. Hertzberg:

Now would be more suitable, Mr. President. It is an issue I am not prepared to vote on. I will have to abstain if we hold a vote today. I would encourage Council to hold off on this. I think it's a very important position.

Mr. Cohen:

Mr. President, given the heft of our agenda tomorrow, given that we have I think a regular agenda and then we are also going to do a preliminary vote on the budget, if there is anyway that we can discuss it today so that at least Council members can have a sense of Council on this, I think it would be advantageous to dispose of it now.

Mr. Hertzberg:

I make a motion that we discuss it now.

Mr. Cohen:

I will certainly withdraw my vote until the discussion occurs.

The Chair:

Second on the discussion?

MR. ONORATO seconded the motion.

Mr. Hertzberg:

I am a little bit concerned with Mr. Momberger not personally and not with the job that he does, I think he is a very honest, open individual. He does a

good job for his particular local union, but my concern is that he does represent a number of city employees. As far as I know that's all he represents is city employees. Particularly on the first issue that will come up for this committee, the privatization or contracting out of the EMS billing. Those are or were his people that essentially signed an agreement, which already indicated his position on it, although he said he was against it. He ultimately ended up being for it because that is what the majority of his bargaining unit decided to do.

I think there is an appearance of a conflict in that particular case and potentially in other ones down the road. My preference is for some member of organized labor that is not involved with city contracts. And that way they don't -- they are not in the middle of these things and they can make an objective opinion that doesn't have any impact on their position or any of the labor people that they represent.

So I am concerned. If I have to vote today, I am going to abstain because of those concerns.

The Chair:

Any other concerns?

Mr. Ferlo:

My objection is the gentleman is going to agree to everything the Mayor wants. I don't think it is a legitimate, independent thought relative to the issue of contracting out. I don't want to pick on AFSCME, this particular union, but the fact of the matter is the tenure that I have been here they have acquiesced everything

the Mayor ever wanted -- period. And that's their prerogative, that is their right as a union to do whatever they want.

But in terms of us selecting someone, I would rather have somebody from the labor movement who has a principle approach on this issue of contracting out and privatization. I don't think they're in that category. I would have to respectfully vote no.

The Chair:

The intent of the legislation I believe it was written by Mr. Ricciardi, how many members are on that committee?

Mr. Ricciardi:

I believe five. I believe one person from the labor community nominated by Mayor Murphy and approved by this board. The City Controller that is number two, the Director General Services, that is three, number four the Director of Finance and I believe a member of this body. So five members.

Ms. McDonald:

I think that the question is what power does Council have? What kind of teeth are in this legislation for us to be able to approve or reject because we vote no, does that mean that the Mayor's appointment doesn't stand?

Mr. Ricciardi:

That's correct.

Ms. McDonald:

So there is legislative teeth in this.

The Chair:

Then he still has the option -- he would have to reappoint someone else?

Mr. Ricciardi:

Correct.

The Chair:

So would it be another member from AFSCME?

Mr. Ricciardi:

No different from any other.

The Chair:

Does Council have the right to put a member of labor in our place?

Mr. Ricciardi:

I believe that nomination must come from the administration, Mr. O'Connor.

Mr. Udin:

Are you asking just to clarify your question, are you asking does the Council representative have to be a member of Council or appointed by Council?

The Chair:

Does it have to be a member of Council or appointed by Council if we would choose to put a labor --

Mr. Udin:

I thought the legislation had to be a member of Council, I don't know I may be wrong.

Mr. Ricciardi:

The spirit of the law was a member of Council. So obviously I have to look at the semantics. But the spirit of law was a member of City Council.

The Chair:

So that is a very, very important position especially with the privatization issues.

Mr. Ricciardi:

I believe this vote is no different than any other vote that we have for any other board that if members either object to the particular person or the concept or the idea, they should abstain and vote no and see how the vote goes. You know there is no reason to hold it for any other discussion. I am prepared to vote.

The Chair:

Legally I know it came up a conflict being -- I don't know if you would want to wait to have a ruling on that because he being a member of the AFSCME union which already has done some privatization, if that's a conflict of interest by that appointment?

Mr. Ricciardi:

I think, I do recall --

Mr. Ferlo:

The Mayor only gets one, it is real

simple.

Ms. McDonald:

I would just suggest we vote it up or down and go from there. If he is approved, fine. If he is not, fine we go back to the drawing board and work with the Mayor. I have no reason to vote this motion down to approve him. But I will say this, is that I appreciate Councilman Ferlo's opinion that you don't want someone in there that's just go along and get along kind of attitude. But at the same time, it makes me revisit what our discussion was about potential members that serve on the Civilian Review Board. We didn't want people who were totally, totally the police can do no wrong nor did we want anyone on there that the police are all bad guys.

We want moderation, we wanted even handedness, we wanted cool headedness. Now, I don't know this gentleman personally. I don't know any of the track record in terms of his union involvement and AFSCME, initiatives that have gone on. I just know what I saw at the table.

So again, I have no real passionate reason to vote it down, but again if you are looking for -- I don't know what kind of qualifications you want as far as a labor person and if we go along with someone who is pro-union, forget privatization, then what in the heck are they doing on this committee because this committee is to review it? You automatically know you have a no vote no matter what it is. No, No, No, No, No. I would rather have somebody that is going to be open. Somebody that is going to be open to ideas and if they feel biased about it or they feel

strongly about it after the argument, after the discussion, then that's fine. Let them vote no. But I do want someone that is going to go in with an open mind.

So, again I appreciate what Councilman Ferlo has to say but on this one, I am not arguing Jim, I just have no reason to vote no.

Mr. Ferlo:

My main objection is not the gentleman per say. My main objection is that the administration is proposing to form this committee explicitly on the issue of EMS billing.

Now the union may have already taken a position relative to agreeing this job goes -- to transfer those jobs to other departments and agreeing outsource on medical billing. I don't dispute that that is their prerogative as a Union to do what they think is in their best interest. I don't happen to agree with the EMS billing proposal because when it was presented a few months ago it didn't make any sense.

Finally, and I don't care whether it is agreed to by collective bargaining or not, it doesn't make any sense administratively to me in terms of the budget. And, when and if Council decides it does make sense then I have no objection to forming this committee.

So my main objection is I don't think it is appropriate to form this committee at this point to support the EMS billing.

The Chair:

I was under the impression Mr.

Momberger has agreed with you and was against the outsourcing but lost.

Mr. Ferlo:

I am not really even raising that issue. I mean why doesn't Council first decide if that's the way we want to proceed. I mean we are getting this like backwards in other wards. Before the administration came to the table with a resolution asking us to hire a contract, I think it was Saint Margaret's, some hospital group, I am not sure of the name of the group, they said they went through some RFP process. The majority of colleagues did not support it for different reasons including financial issues.

It is almost like the asphalt plant. They said they wanted to do it, there was no proof in the pudding. They came back and they didn't explain to us finally what the savings was going to be or what new income would be generated. They didn't do that in the asphalt plant, they didn't do that with contracting out the garbage, and they are not doing that with EMS billing. I just think it is inappropriate to form this private task force until we agree philosophically or principally that we want to outsource the EMS billing.

What would happen in the four months? How do we go from not agreeing to outsource EMS because of the information provided to now agreeing to form this committee? Why don't we first agree on whether or not we want to outsource EMS billing?

The Chair:

I believe, Mr. Ricciardi, the intention is any outsourcing --

Mr. Ferlo:

That is not what the resolution says. The Mayor's communication to Council explicitly says the appointment of this gentleman to start this committee, and the resolution explicitly says for EMS outsourcing billing. That's what the resolution says. If the Clerk would like to read it, I will have her read it. Now we can go off and say what it is and what it isn't, I am telling you what the administration sent to Council. The resolution appointing Mr. Momberger explicitly for the issue of EMS billing.

The Chair:

Any other comments?

Mr. Ferlo:

We never even heard back from asphalt. I respect Councilman Udin's views because he at least has more information than I do. Mr. Udin was telling us during the budget vote yesterday that they have shelved the asphalt plant proposal. I don't know that. I mean not formally. They led us down the Periminal's (phonetic) path of doing this RFP and they are supposed to get back to us with all this information. They budgeted \$500,000 in the budget and then we are told by Mr. Udin at the committee, oh by the way, we are not doing this now. Wouldn't it be nice if the administration would at least come back and tell us what their work product? Why did they shelve it?

The Chair:

There is no number on --

Mr. Ferlo:

I am glad Councilman Udin at least informed us so that we can now be knowledgeable and make sure --

The Chair:

That's his job.

Mr. Ferlo:

I respect it. I am glad Councilman Udin at least is on top of it enough so that he can tell us when we are voting on the budget. But it's like, you know, what is going on here? They have a responsibility to communicate to Council.

Mr. Cohen:

My understanding is that this bill before us is a process bill, not a substantive bill. By that I mean we're not voting for the privatization of the EMS billing or anything having to do with the asphalt plant. This was actually a bill to appoint someone to a committee that this Council with Councilman Gene Ricciardi's leadership approved. A committee and that the purpose of the committee is to review EMS billing and other potential outsourcing of city services.

So I am not sure we should be discussing substantive issues, it is a regular appointment to a committee. If somebody believes that there is either a conflict of interest or that this person is not qualified for the committee, I am very receptive to hear that. I actually would like to hear from the sponsor of the bill who put together this whole committee. But absent that, I think that this person should go on.

I mean the answers that we got on Wednesday and there were several questions I thought were intelligent answers and were answers based on this person's vast experiences when it comes to labor issues. I don't have a position one way or the other and we shouldn't be discussing the substance of these issues. This is a process bill, it is not a substance bill.

Mr. Ferlo:

It is the beginning of a steamroller.

Mr. Cohen:

But it was Council that created the steamroller. We're the ones who voted for the bill.

Mr. Ferlo:

Council agreed to the Ricciardi resolution, which I also voted for because we said that when and if, when and if. That was a real big two words, when and if Council decided based on concrete information that was appropriate financially on policy wise to outsource or privatize or satellite off a function of government. When and if we didn't want to go right to it, we wanted to have a review committee including a labor representative. That's the context in which I originally voted for the Ricciardi amendment.

When and if, that was the discussion at the table. We said that should we in the future decide that we wanted to do something we thought it was appropriate to have this review committee because we wanted any contractor on the outside to have a level playing field of

responsibilities and burdens and duties as much as whatever the work force in-house was. So if it was a job classification or pay rate, health care benefits, or whatever, we wanted a level playing field between what the government was doing it at, municipal sector and what we thought a for profit contractor would come in and bid on. We said that when and if we would agree to outsource a function, we wanted this review committee. That is the context in which I remember the discussion.

Mr. Cohen:

Let me ask the Councilman a question because I am just trying to understand this very quickly.

What you are saying is and this maybe right, you are saying that Council would have to vote to outsource some city government function before this committee should even be formed because the only way Council's intention can be known is by a formal vote? Is that the way it is supposed to work?

Mr. Ferlo:

I am not saying that entirely. I am only saying that the context of discussion around the original resolution creating not only this panel, but on a level playing field was that when and if Council would agree, that if we wanted to outsource, we wanted --

Mr. Cohen:

Well, how did we agree other than by a formal vote?

Mr. Ferlo:

The administration came to us with an AFSCME --

The Chair:

One at a time.

Mr. Ferlo:

The administration came to us with an EMS billing proposal and we are doing an end run with AFSCME around us, and they are doing an end run now around forming this committee.

The Chair:

I think we got your point.

Mr. Ferlo:

Just pass it, it is going to pass anyway.

Mr. Udin:

Please. Colleagues, obviously, Mr. President, we are not prepared to go forward with this nomination. I don't think so anyway. I think that Councilman Ferlo raises a very important point that Council ought to consider. Either Council will initiate the activity and be followed by the review of the committee or the administration initiates the activity by putting in motion the review committee and then Council follows the action of the review committee.

Council needs to be very clear in what its intentions were when we made this bill. I think we ought to get clear about that before we confirm this appointment because this appointment initiates the creation of that review

committee. I think it would be irresponsible of us to go forward before we are clear on that issue.

The Chair:

Make a motion to hold this bill.

MR. HERTZBERG moved to recommit the bill.

MR. UDIN seconded for discussion.

Mr. Onorato:

Discussion on the commitment. I just want to point out that I listened to this conversation for 15 minutes and I still can't figure out why we are upset over putting a union individual on a committee to review a proposal to take away union jobs. But I will recommit, but I don't see what the fear is here. But ultimately Council has to approve any way. So I will recommit and put it into --

Mr. Cohen:

Point of order just so that I understand, if we recommit, that means we recommit for the purpose of getting more information about this person.

The Chair:

Motion will be to hold, motion to hold please.

Mr. Hertzberg:

We are still on the recommit motion.

The Chair:

Is there a motion to hold?

Mr. Onorato:

Point of procedure, you can't make a motion to hold from here, it has to be recommitted and then held.

Mr. Hertzberg:

The clerk ruled me out of order and I don't --

Mr. Onorato:

What are we holding it for?

Mrs. Johnson-Wasler:

When you hold the legislation once the appointment has been introduced, you are holding it so that you can interview the appointee in your Wednesday's Standing Committees Meeting. That is why you are holding it a week. So the discussion is in the legislative meeting.

Mr. Cohen:

So Mr. Momberger will come back tomorrow.

Mrs. Johnson-Wasler:

Unless you want the appointee to come back.

Mr. Hertzberg:

You are holding it until the next Legislative Meeting.

MS. MCDONALD seconded the motion.

The ayes and noes were taken

agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Hertzberg	Ms. McDonald
Mr. Udin	Mr. O'Connor
	(Pres't)

**(Mr. Ferlo, Mr. Onorato, Mr. Ricciardi
voted no)**

Mr. Onorato:

Someone can explain what
happened later.

The Chair:

Anything else under unfinished
business?

Mr. Ferlo:

I would still like to know what
happened with the asphalt plant?

Mr. Udin:

I would suggest that the Clerk --

Mr. Ferlo:

I am asking the administration.

Mr. Udin:

-- forward a letter to the
administration requesting the results of the
solicitations for the asphalt plant.

The Chair:

You're talking the outbidding. Mr.
Ferlo, were you talking about the

outbidding?

Mr. Ferlo:

No. The administration submitted
a budget that says 500,000 revenue for
asphalt. They put out a bid and they never
communicated back to us. I want to thank
Councilman Udin for educating us at the
Finance Committee so we can at least vote
right in terms of making modifications of
the budget.

But it would be nice it is like the
administration wants everything privatized
but when they actually go out and do the
work and realize it is a stupid thing they
hide out in the dark recesses of city hall.
So come forward and let the light shine in.

The Chair:

Anything else under unfinished
business? We will move to Reports of
Committees.

REPORTS OF COMMITTEES

MR. UDIN PRESENTED:

Bill No. 1098:

Report of the Committee on Finance and
Budget, for December 9, 1998,
transmitting five ordinances and sundry of
resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 864:

Resolution providing for an
agreement/s and contract/s with a

consultant for professional pro bono services in order to provide a legal opinion on various statutes, the Pittsburgh Code and the Pittsburgh City Charter, regarding aspects of collective bargaining contracts with the City. (SPONSORED BY MR. UDIN).

Which was read.

Also,

Bill No. 1022:

An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article IX, Property Taxes, Chapter 263, Real Property Tax, Section 263.01, Levy and Rate on Lands and Buildings, by levying the real property tax for 1999.

Which was read.

Also,

Bill No. 1023:

An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article VII, Business Related Taxes, Chapter 245, Earned Income Tax and 246 Home Rule Tax, by fixing the rate of interest on certain delinquent Earned Income and Home Rule Taxes for 1999.

Which was read.

Also,

Bill No. 1014:

Resolution transferring the amount of \$3,000.00 from Sub Class 010, Salaries, City Council, Account: 511000, Org.: 101100, Fund: 1000, Budget Year:

1998 to Sub Class 150, Miscellaneous Services, City Council, Account: 526125, Org: 101100, Fund: 1000, Budget Year: 1998. (SPONSORED BY MR. DIVEN).

Which was read.

Also,

Bill No. 1024:

Resolution authorizing the acceptance of property by the City of Pittsburgh, known as Greenfield Avenue, 15th Ward, designated as Block 54 N, Lot 288, from Dorothy Giampolo, as this property was conveyed to her and her late husband, Anthony, by the City in error. (COUNCIL DISTRICT NO. 5).

Which was read.

Also,

Bill No. 1025:

Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984, having been placed for sale to adjoining property owners in conjunction with the City of Pittsburgh/City Source Associates Sideyard Program.

(a) 2016 5th Avenue, 1st Ward, Block 11K, Lot 25, being sold to Paul R. Hayes, \$100.00. Vacant lot containing an area of 2,642 sq. ft. Intended Use: Yard space and off street parking. (Council District 6).

(b) 62 Winslow Street, 12th Ward, Block 124P, Lot 7, being sold to Daryl T. Moore, \$100.00. Vacant lot containing an area of 2,763 sq. ft. Intended Use: Additional yard space. (Council District 9).

(c) 330 Yoder Street, 15th Ward, Block 54-N, Lot 136 (part), being sold to Arthur & Julia Bender, \$100.00. Vacant lot containing an area of 2,696 sq. ft. Intended Use: Additional yard space. (Council District 5).

(d) 2618 N. Charles Street, 26th Ward, Block 46-E, Lot 72, being sold to Marilyn Pollard, \$100.00. Vacant lot containing an area of 2,083 sq. ft. Intended Use: Additional yard space. (Council District 6).

Which was read.

Also,

Bill No. 1026:

Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

(a) 3382 Ridgeway Street, 5th Ward, Block 26-J, Lot 235, being sold to Dorothy J. Parks. Vacant lot containing an area of 17,087 sq. ft., \$2,000.00. Intended Use: Build Personal Residence. (Council District 6).

(b) 6926 Hamilton Avenue, 12th Ward, Block 125L, Lot 209, being sold to

Fred I. Schwartz & Melvin E. Solomon Rental Account a Pennsylvania General Partnership, \$1,500.00. Intended Use: Expansion of building. (Council District 9).

(c) 238 Mayflower Street, 12th Ward, Block 125A, Lot 211, being sold to Stagno's Bakery, Inc., 2.5 sty. alum. Sdg. Hse. Situated on a lot containing an area of 2,200 sq. ft., \$1,000.00. Intended Use: Demolish and combine lot with already owned adjoining properties for expansion of business. (Council District 9).

(d) 330 - 332 Yoder Street, 15th Ward, Block 54N, Lots 136 (part) & 140, being sold to William Roy & Gloria Crum, 2 vacant lots containing a combined area of 47,399 sq. ft. \$2,000.00. Intended Use: Build a Home. (Council District 5).

(e) 40 Roanoke Street, 18th Ward, Block 3-P, Lots 3. Being sold to Helena Scanlon, vacant lot containing an area of 8,592 sq. ft. \$700.00. Intended Use: Additional yard space. (Council District 3).

(f) 709 & 715 E. Warrington Avenue, 18th Ward, Block 14A, Lot 329 and Block 14b, Lot 129, being sold to Jeffrey S. & Anna M. Bodnar, 2 vacant lots containing a combined area of 7,500 sq. ft., \$2,000.00. Intended Use: Additional yard space. (Council District 3).

(g) 416 Cedarhurst Street, 18th Ward, Block 15M, Lot 68, being sold to Lynn A Layburn, 2 story insel brick house situated on a lot containing 3,188 sq. ft, \$2,500.00. Intended Use: Personal residence. (Council District 3).

(h) 2540 Middletown Road, 28th Ward, Block 41R, Lot 155(part), being sold to Donna M. Newham, vacant lot containing an area of 6,334 sq. ft., \$500.00. Intended Use: Additional yard space. (Council District 2).

(i) 303 & 307 Pensdale Street, 28th Ward, Block 39J, Lot 273 & 275, being sold to Bernard J. & Christine Abbott. 2 vacant lots containing a combined area of 5,520 sq. ft., \$750.00. Intended Use: Build garage for personal vehicles. (Council District 2).

(j) 2 Bennett Street, 13th Ward, Block 174J, Lot 343, being sold to Michael L. Butler. Vacant lot containing an area of 747 sq. ft., \$500.00. Intended Use: Gardening.

Which was read.

Also,

Bill No. 1044:

Resolution transferring the amount of One Hundred Ten Thousand (\$110,000.00) Dollars from various Code Accounts within the Department of Public Works to Environmental Services Premium Pay. (PRESENTED BY MR. HERTZBERG)

Which was read.

Also,

Bill No. 1055:

An Ordinance amending the Pittsburgh Code, Title I Administrative, Article 6 Procedures, Chapter 171 Fees by

adding Section 171.02 entitled "Fees for Police Officer Recruit Testing".

Which was read.

Also,

Bill No. 1056:

Ordinance amending the Pittsburgh Code, Title 1 Administrative, Article 6 Procedures. Chapter 171 Fees by adding Section 171.03 entitled "Fees For City Court:

Which was read.

Also,

Bill No. 1057:

An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Chapter 911.01 "Fees Established by increasing fees in the Zoning Department.

Which was read.

Also,

Bill No. 1058:

Resolution adopting the agreement between the Mayor and Pittsburgh Fire Fighters Local No 1 extending the current collective bargaining agreement until December 31, 2001.

Bill No. 1059:

Resolution Transferring the amount of \$182,650 from the Non-Departmentals - Personnel, Pension Account, Fund 1000, Organization 999300, Sub Class 180, Budget Year

1998, Account 577100 to various departmental salary accounts in order to create sufficient account balances to issue payments for the 1998 Bonus Program for Non-Union Employees.

Which was read.

Also,

Bill No. 1060:

Resolution transferring the amount of \$50,000 from the Non-Departmentals – Personnel, Pension Account, Fund 1000, Organization 999300, Sub Class 180, Budget Year 1998, Account 577100 to the Law Department's Miscellaneous Services Account, Fund 1000, Organization 108000, Sub Class 150, Budget Year 1998, Account 526100, in order to hire outside assistance to help the Law Department with the technical aspects of the cable communications franchise renewal process.

Which was read.

Also,

Bill No. 1061:

Resolution authorizing the Mayor and the City Solicitor to enter into an agreement or agreements for the hiring of counsel and consultants to assist in the representation of the City of Pittsburgh for outside legal counsel and consultants.

Which was read.

The Chair:

You have heard the reading and title of the bills, is there any discussion on

the bills?

Mr. Ricciardi:

Yes, Mr. O'Connor, colleagues, I would like to take a moment to amend Council Bill 864 which was sponsored by Sala Udin. You should have the bill in front of you. Unfortunately it says Bill No. 1058 that's an error. The bill should say 854. I would like to take a moment to read these two amendments. Hope we have a second for discussion.

MR. UDIN seconded the motion.

Mr. Ricciardi:

City Council must ratify in Act 111 binding arbitration award. Number two, every contract or letter of understanding in existence today shall remain and all future agreements of collective bargaining must be approved within 30 days by City Council upon the receipt of the award.

MR. FERLO seconded the motion.

Mr. Ricciardi:

Colleagues, the two amendments I presented to you, I believe, are in support of Councilman Sala Udin. I have had an opportunity to review them with Councilman Udin and I am sure we will hear from him soon.

I believe the Councilperson has made a very strong argument for supporting the resolution that he has brought forward. I think the argument is very strong in state statute. However, to give me a level of comfort because I like to support our colleague, to give me a level of comfort, I would like to see these

two amendments pass before I can vote for the bill.

Again, I support the intent of the bill. I believe he has made a very strong argument and state statue, which he has been able to prove by outside Council and I believe our own law department. I believe it is a common sense approach to what he is trying to enter. These two amendments would give me a level of comfort that I can vote for the bill.

I also would like to make it very clear, because I never want Council members to believe that I would have had outside discussions without your knowledge. I have had discussions with the officer of the firefighters union who is in support of the two amendments before us.

Mr. Udin:

Thank you, Mr. President. First of all let me speak in support of the amendments offered by Councilman Ricciardi. They are clearly consistent with the sentiments that I have voiced verbally at the Council table.

Bill 864 itself acknowledges that the Mayor is the sole representative of the city in collective bargaining. It also acknowledges that arbitrated agreements are binding both on the Mayor and Council but it requires that those arbitrated agreements are forwarded to Council to be received and filed. And it also implies an obligation of Council to be aware of the contents of those agreements as we receive them and file them.

It acknowledges also the clarity that Act 111, which governs uniformed

employees that the agreements that are reached under Act 111 are required to be submitted to the legislative body within 30 days. Therefore, this legislation directs the Mayor to submit to Council all agreements that are agreed upon between the collective bargaining agents, the city and the unions within 30 days. Those that are arbitrated must be received and filed and ratified by Council and others have to be ratified by Council as well.

I want to thank Councilman Ricciardi for again clarifying the issues around the binding arbitration awards and also the intent that whatever is in place today stays in place and this legislation has to do with future collective bargaining. Thank you.

Mr. Hertzberg:

Thank you, Mr. President. I think a lot has been made about this and I don't think it is that big of deal. I think we are just putting in the form of this resolution what is state law that we are to ratify collective bargaining agreements and binding arbitration awards. I also think it is important the second paragraph here that Councilman Ricciardi has added and as I understand the meaning here it is to say that the previous agreements, the previous arbitration awards that went on by passing this resolution we are also ratifying them. That's my intent in voting for that. That they by passing of this resolution ratified and in the future when other ones come along we are to ratify them as they come up. But as to those in the past we are in no way attempting to go invalidate them.

In fact we are confirming them. We are ratifying them by the vote on this resolution particularly with the new

language in it.

The Chair:

Basically everything is
grandfathered in.

Mr. Udin:

That includes the firefighter
agreement, although we have not yet voted
on it. But it does include the firefighter
agreement.

The Chair:

It concludes that?

Mr. Udin:

Yes.

Mr. Ricciardi:

I believe we need to vote on the
amendment.

The Chair:

Roll call vote.

The ayes and noes were taken
agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Hertzberg	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. O'Connor
	(Pres't)

(Mr. Ferlo abstained)

The Chair:

On the bills themselves.

Mr. Udin:

I have two amendments, Mr.
President, amendment by substitution of
Bill 1059 is to allow the bonus program
for non-union employees transferring
\$199,650 from non-departmentals
personnel pension fund to various
departmental salary accounts in order to
create sufficient balances to issue
payments for the 1998 bonus program for
non-union employees.

Also, bill amend by substitute Bill
1055 in order to amend the Pittsburgh
Code Title 1, Administrative, Article Six
Procedures for fees by adding Section
170.02, fees for civil service examinations.
Request a second.

MR. FERLO moved to adopt.

Which motion prevailed.

The Chair:

Did you have a second?

Mr. Udin:

That's it.

The Chair:

The bills are now ready for final
action.

Mr. Ferlo:

I am going to have to respectfully
abstain on Bill 864 and 1058 not because I
don't want to be supportive, I have to plead
ignorant. I do not fully understand what it

is that we are doing. We had this lengthy legal discussion with conflicting legal opinions about Council's role in either collective bargaining, accepting or not accepting awards. There have been legal opinions about binding arbitration where we don't have to accept it but in fact, we have to disagree to live with it and fund it.

I really am perplexed about the two resolutions and the 1058 situation. I'm not sure what it is that we are agreeing to. Is part of this agreement the addendum, which said that the administration is giving away any right to have input on the organization of the Fire Bureau? And are we now not with this vote extending that yet two more years? If that's the case, I am going to have to respectfully abstain because we may be saving a couple of million dollars now but I don't know it's almost like accepting a balloon mortgage payment.

I would rather discuss and I don't think we had that kind of discussion with the administration at the table about whether or not it makes more sense now to pay the increase in cost for the Fire Bureau now rather than take a short term \$2 million maybe and then long term for another couple years still be kind of held to this arrangement. If that is what we are agreeing to, then I would like to at least know that is what we are agreeing to. Then, I can vote intelligently on that issue. But I do not fully understand what is 1058 and what it is that we are actually agreeing to in terms of the additional two years.

I don't know that anyone came to the table and explained that. So for purposes of not being confused and not locking myself into something I am not sure I am paying for four years from now,

because I hope to be still here, I am going to abstain on the two bills.

Mr. Cohen:

Thank you, Mr. President. I agree whole heartedly with what Councilman Ferlo just said. For that reason, I will be either abstaining or voting no on 1058. I do not believe that we have had a full discussion or in fact any discussion on the substantive portions of the collective bargaining agreement. I am not sure Council members frankly even read the collective bargaining agreement. And, what Councilman Ferlo just said, about extending this for two years meaning, and I am not putting these words into his mouth, I will say it myself, meaning that the city management is throwing up its hands for two years so that they will not step in and try to take steps to manage the Fire Bureau, and that's not something I can support.

I don't think that's physically responsible. I don't think it is responsible just to frankly cop out for two years. Maybe it is a short-term game but it could very well be a much larger long-term loss. So for that reason, I am not going to support the bill.

Mr. Udin:

I want to join Councilman Ferlo in his confusion, because I now am thoroughly confused. Bill 1058 is a separate bill from Bill 864 and was discussed at the meeting of the Standing Committees last Wednesday. If I am not mistaken, perhaps the Clerk can help my recollection, it received unanimous support. I don't believe anyone spoke in opposition to Bill 1058.

Today Councilman Ricciardi submits an amendment to my Bill 864, which ratifies what we unanimously agreed to last Wednesday. And, this morning there is some apparent renaissance to reaffirm what I thought was agreed to by all members of Council last Wednesday. It does not in any way change what I recall as a unanimous vote of support for 1058 last Wednesday.

So I don't need to be clear I just want to acknowledge my confusion and I am ready to vote to support both bills.

Mr. Cohen:

Let me clarify my position very briefly. I was speaking solely to Bill 1058 because I thought that's what we were discussing. That is what Councilman Ferlo discussed. I whole-heartedly support Bill 864 and I was only speaking to the other bill.

Mr. Hertzberg:

On 1058, I have had plenty of opportunity to discuss what that's all about, the extension of the collective bargaining agreement. I think we had a Post Agenda session for an hour or two on it, almost everyone of the general budget discussions that we have had with Director Hennigan has involved this.

We have had extensive discussions and it's I remember a lot of people including myself saying that this was a fair, generous offer by the firefighters and it is one that we should accept to help us to move forward with our budget and to make ends meet.

Yeah, we are giving up certain

things in doing it, but I think we are also weighing what is the likely outcome of going to arbitration again. That's a big factor here in deciding to do this. We talked about it and I think you have to consider all factors. But when you do, you have to vote in favor of this. It is the right thing to do.

Mr. Ferlo:

Yes. The only reason why I connected the two is in reference to Councilman Udin's comments that he was saying that in 864 de facto if you vote for that, it is also reaffirming your support for 1058. That was my only point there.

But in terms of 1058, if you roll the tape from last weeks meeting, you will see it was a long meeting, and I was there for most of it. I actually stepped out of the room and I was not in the room during this actual discussion and vote. So I am expressing myself now. I can't explain other colleagues. Maybe my colleagues can clarify this, I thought there was an addendum that was signed by the Mayor that gave away certain prerogatives regarding the organization and management of the bureau. And that part of this agreement today is also accepting that addendum as well as the wage awards and the other things that are in the collective bargaining agreement.

I would vote for this. I will vote for this if the Mayor comes forward right now and says that when it comes to pay the piper he will raise taxes to pay for it and not further cut in and decimate the Public Works Department and the Parks Department. And, I will certainly vote to extend the fire award, but they're not going to do that.

He has taken a powder, he doesn't want to deal with the budget, he doesn't want to make hard choices and the fact of the matter is, the Mayor, we have a strong form of government, strong Mayor form of government. If the Mayor doesn't take a leadership on these issues, it is a lot harder for Council to come forward with a consensus building.

So if he's not going to come forward and say in the out years of paying this amount of money in the budget for the fire bureau, if he's not going to come forward and say he is going to raise some revenues and not further cut into basic core of services in Parks and Public Works, then I will be more than willing to vote for it. I will also give him a vote to raise the revenue. But absent that, we are just increasing costs and further putting the nail on the coffin of municipal services in Public Works and Parks. At the expense of only funding Public Safety, I am not willing to do that any more.

I am glad the Mayor's taking a powder, that's his prerogative. I am not going to vote for that and that is why I am going to abstain on this bill today. I will vote for it if we have to raise revenues and I said I would vote to raise revenues. But I think we are creating a situation a few years from now maybe most of us hope that we aren't here around the table. So, maybe we are not thinking in those terms. I hope to be here through my next term and I am not going to be here a few years from now and yet further cut in more past the bone marrow of Public Works and Parks and that's what it is really coming down to. That is why I am going to respectfully abstain today.

The Chair:

Let me ask you one question. When you referred to a balloon payment at the end of this two years, we don't know what the contract will be at the end of two years. This doesn't say we are going to double that two or three percent or whatever they're giving up now. It doesn't say it is tacked on to the year 2000.

Mr. Ferlo:

If the city is near bankrupt, and they have to go back to arbitration and to get rid of all the goofballs that they had in the past, that were attempting to represent the city including so-called budget experts and bargain in good faith with Mr. King and the Fire Bureau, maybe we could sit down and get a decent contract instead of this arrogant attitude that they have when they go in with the F.O.P. and the fire union all the time. Maybe we could get something with a little bit of sugar instead of the vinegar face we always put on when we go into collective bargaining.

The firefighters are our own residents. They are family people that live in our own districts. They're not people landed here from Mars. They know the situation of the city, they know the condition of our neighborhoods, their kids go to our parks. They complain and call our lines about streets not being cleaned. They know we can't be all things to all people and do everything.

What I am saying is if we are not going to raise revenues, then we are still going to further agree to cut into Parks and Public Works. That's in effect what we are doing in accepting this continued extension by not going forth at the end of the term instead of extending it for two years, deal realistically with the FOP and

the firefighters union about the financial dilemma the city is in.

No, instead we get this attitude oh we are going to beat them. Oh we did all of this research and every firefighter bureau around the country works more hours. That was a ridiculous thing to argue about. I told that to the Mayor, I told that to Dr. Miller. I am sick and tired of PHD think tank people too, I will tell you that right now. Bring back just some common sense people to this administration.

Mr. Diven:

My concern with 1058 and it goes back to the debate around 864. Our purpose right now is to either ratify or reject an agreement that was made by the Mayor. We can't take it and say we liked it and the fact that the firefighters have given back two to four million dollars and we have already budgeted that two to four million dollars. But we don't like the fact that something might be looming beyond 2001.

The whole idea of 864 was to accept or reject the whole package, not the pieces that you like and not the pieces that you don't like. So I think that I am going to be supportive of 1058 because I believe it was a good faith effort on behalf of the firefighters union to give back when they didn't have to give back. I think because we already had it budgeted, there is nothing we can do. We show a two million-dollar reduction in our budget this year because of the firefighters agreement. If we reject it, then we have to find \$2 million somewhere else. I don't understand.

The Chair:

Bills are now ready for final action. All those in favor of the passage of the bills vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Diven	Mr. Hertzberg
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. O'Connor
	(Pres't)

(Mr. Cohen no on Bill 1058, Mr. Ferlo abstained on Bill 1058 and 864)

Mr. Onorato:

Also the Clerk when they get a chance on Bill 1023 it's a typo but says we will charge interest at 96 percent on delinquent charges. The word six is typed but the number is 96 percent, that should be cleared up.

Bills have received the legally required number of votes and have passed finally.

MR. HERTZBERG PRESENTED:

Bill No. 1099:

Report of the Committee on Public Works, Water and Environmental Services for December 9, 1998, transmitting one ordinance and sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 967:

Resolution authorizing the Mayor or the Director of Finance to enter into an agreement with an Accreditation Council of the American Public Works Association (APWA). **(SPONSORED BY MR. HERTZBERG)**

Which was read.

Also,

Bill No. 970:

Resolution authorizing and directing the Director of Public Works to form a citywide task force to serve as liaison between the Community Groups, City Departments, City Council and the Mayor's Office in identifying problem properties and working to abate said problems. **(SPONSORED BY MR. ONORATO).**

Which was read.

Also,

Bill No. 997:

Resolution granting unto Pittsburgh Riverdogs, 2301 E. Carson Street, Pittsburgh, Pennsylvania 5203, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a two-sided projecting sign over the sidewalk area of 2301 E. Carson Street in the 16th Ward, 3rd Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 998:

Resolution granting unto Roxanne Runco, dba Body Piercing by Roxy, 2005 E. Carson Street, Pittsburgh, Pennsylvania 15203, her successors and assigns, an encroachment to construct, maintain and use at her own cost and expense, a double-faced projecting sign over the sidewalk area of 2005 E. Carson Street in the 17th Ward, 3rd Council District of the City of Pittsburgh.

Which was read.

Also,

Bill No. 1043:

Resolution changing the name of a portion of Stack Way in the 9th Ward to Veterans Way. **(SPONSORED BY MR. FERLO)**

Which was read.

Also,

Bill No. 1045:

An Ordinance amending the Pittsburgh Code, Title Four-Public Places and Property, Article I - Streets and Sidewalks Section 415 and 416 Subsections 415.01 Permit and Bond Required, by increasing fees.

Which was read.

Also,

Bill No. 1046:

Resolution establishing the 1999 fee schedule for rental of shelter permits.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Hertzberg:

Thank you. Bill No. 967 which is a resolution authorizing the Director of Public Works to enter into an agreement with the Accreditation Council of the American Public Works Association.

First, I would like to have my comments brought forward from last Wednesday's meeting. And just a brief explanation.

The American Public Works Association is a non-profit organization that is headquartered in the Midwest and members include the Public Works officials from municipalities throughout the United States. They have set up an accreditation process that sometimes can take two to three years.

What happens is first our Public Works Department will fill out a self-assessment kind of evaluation explaining to the Public Works Association what our different practices and procedures are. Then the Public Works Association has a variety of recommended practices and procedures they compare ours with the recommended ones. If we are not doing it the best way, they're going to require us to

do it the best way in order to at the end of the whole process become an Accredited Public Works Department.

The reason I am doing this is a lot of the concerns raised by members of Council that maybe we are not doing things the most efficient and best ways, and maybe we are. If we are, we should fly through this thing and be an Accredited Public Works Department. And, if there are a few things that need to be changed then hopefully we will change them and ultimately we will be accredited.

The cost will end up being somewhere between 8,000 and \$10,000 and I think it is a kind of-- we saw Councilwoman McDonald I think introduce something similar when it came to the police department. This is very similar just a professional organization that accredits Public Works Departments, and that's our goal here, Mr. President.

(See addendum for comments on Bill 967)

The Chair:

Thank you. Any further discussions?

Mr. Cohen:

I just want to commend Councilman Hertzberg for bringing this forward. I think it can only help to have our Public Works Department accredited in that way. I think it will help them go through a process as well that I think will be a productive one.

The Chair:

I want to echo those sentiments. Also, I believe our Public Works has worked in the past with this organization and has actually helped them with some of our ideas and input. So it is a good marriage for both, I believe.

The bills are now ready for final action. All in favor of the passage of the bills vote aye when your names are called; all those opposed vote no.

Clerk, please the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Ferlo
Mr. Hertzberg	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. O'Connor
	(Pres't)

AYES Eight NOES None

Bills have received the legally required number of votes and have passed finally.

MR. ONORATO PRESENTED:

Bill No. 1100:

Report of the Committee on Planning, Zoning and Land Use for December 9, 1998, transmitting one ordinance to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 712:

An Ordinance amending the Pittsburgh Code, Title 9, Zoning, Chapter 970, Public Realm Districts - Grandview, Section 970.03, Special Districts; and Section 908.02.G. of the Pittsburgh Urban zoning Code enacted August 3, 1998, by deleting "three story buildings" under Main Structure. **(SPONSORED BY MR. HERTZBERG)** (HEARING HELD DECEMBER 3, 1998).

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Hertzberg:

Thank you. This is a change in the Zoning Ordinance that affects only the Grand View Avenue, Mount Washington, Duquesne Heights area.

First, I would like to have my comments from our last meeting brought forward.

It's a very, very minor change. Of course everyone is sensitive to the height of the buildings on Grandview Avenue because of the view. Everyone feels that they own the view even those who don't actually own property there. But certainly those who do, feel they have a right to their view.

So the critical thing is the height of the buildings. There is no change proposed here with height. The only change is to delete three stories. Developers are running into big problems on the northern side of Grand View

Avenue with three stories because you can't build your conventional garage in the rear on the northern side of Grandview. Because if a car attempts to go around the rear, they're going to fall down the hillside.

So the garages end up having to be in the front on Grandview Avenue and some individuals are interpreting then the garage to be another story. Then you have an argument what most would consider a three-story is a four-story building. So this will eliminate that argument.

It had the unanimous support of our Planning Commission. Also, the Mount Washington Community Development Corporation is in support. In fact, what it will do is eliminate an argument made in what's been a series of extensive lawsuits and litigation over some development in Grandview and Mount Washington, which is way too common.

It is a great area the development that is being done, very sensitive to the community. But it seems like anything you do there you end up with extensive litigation and it is really over nothing. And, this will eliminate what is just a technical argument that is being made now into litigation.

(See addendum for comments on Bill 712)

The Chair:

Thank you. Any other discussion?

Bills are now ready for final action. All in favor of the passage of the bills vote aye when your names are called; all those opposed, vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Ferlo
Mr. Hertzberg	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. O'Connor
	(Pres't)

AYES	Eight	NOES	None
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Bills have received the legally required number of votes and have passed finally.

MR. RICCIARDI PRESENTED:

Bill No. 1101:

Report of the Committee on Housing, Economic Development and Promotion for December 9, 1998, transmitting two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 1018:

Resolution submitting various requirements for the use of Tax Increment Financing to provide financial assistance to businesses or projects that have been unable to obtain conventional financing. (SPONSORED BY MS. MCDONALD).

Which was read.

Also,

Bill No. 1021:

Resolution taking, appropriating and condemning by the City of Pittsburgh. for public highway purposes, certain property in the 14th Ward of the City of Pittsburgh, owned by Satish C. Wadhawan and Anita Wadhawan, authorizing the payment of just compensation and necessary and incidental acquisition and relocation costs related thereto, and designating the Urban Redevelopment Authority of Pittsburgh as the City's acquisition agent. The real estate to be taken by eminent domain is a 4100 square foot lot fronting on Zama Road, a paper street -- Council District No. 5. (PRESENTED BY MR. RICCIARDI & MR. HERTZBERG).

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Mr. Ricciardi:

Yes, thank you, Mr. President and colleagues. Mr. President, I am submitting legislation for consideration to amend Bill Number 1018, which was sponsored by our colleague Ms. McDonald. The amendment is sponsored by all members of Pittsburgh City Council, Council members Cohen, Ferlo, Diven, Hertzberg, McDonald, O'Connor, Onorato and Mr. Udin.

Now, I would like to read the amendment and have a second and we can have discussion on the amendment.

This will be section two by the way and section two will become section three. Only domestic steel is permitted to be used in construction of projects, which receive Tax Incremental Funding, TIF, monies from the City of Pittsburgh.

MR. FERLO seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Great, we don't even need discussion. That is fine.

The Chair:

I especially want to commend you on that especially in light of what is happening with the dumping.

I worked in the steel mills in the 60's this dumping from foreign steel, I don't think Pittsburgh has ever recovered from it. The least we can do is support our local development with taxpayers dollars and local workers.

Ms. McDonald:

Thank you. I would like to have my comments brought forward.

I wanted to say thank you to my colleagues for tentative support for this legislation. Again, it is nothing earth shattering but it basically allows for some guidelines to be put into place so everyone is clear on how TIF's will come about. A process that will be in place through a committee structure thereby engaging Council so we would have real Council participation in the process before it comes to the legislative table for discussion as

well as monitoring employment, etceteras.

It was suggested last week that instead of this legislation being in the form of a resolution, that it be in the form of an amendment to the existing ordinance. So therefore you do have -- So you are not confused, I had given every one a copy of the existing ordinance which is 19 on the top so that you can see where the changes will be occurring.

The changes that I again am trying to coordinate the language. And excuse all the spacing but I don't know my computer decided to I don't know it just rebelled against me this morning. I couldn't fix it but basically in C3A, the language that the project will not proceed without the additional revenue generated by the TIF is amended to read URA has determined that other funding from conventional public sector sources, federal, state, city, etceteras, are unavailable.

Further, the project should demonstrate a strategic and/or major impact of the city's economy and a significant multiplier effect. That is a change in the existing.

The other change would be in section C8 to delete the estimate of potential employment and to add to change the language to read, the developer must make every effort to utilize city of Pittsburgh residents to fill at least 50 percent of new jobs created. It puts a definite guideline in there as far as how we want the city jobs to proceed.

In B it adds pay scales. Again, it enhances the amendments that Councilman Ferlo already made. In section D is what we talked about last

week there is nothing again that is different except for one and that is five. This allows for an additional venue of flexibility so that the URA and the city recoup some of the money.

Basically a tax increment is a grant and they are allowed to use that to repay their debt or their project costs. Well, this allows us to recoup some of that money, and it calls for a cash flow participation vote in which they are allowed to negotiate that to bring some of their monies back if they exceed a certain standard of revenue that you know by industry standards they're supposed to receive.

So again, there is flexibility employment. I am not going to rehash everything. Thank you very much for your support.

Again, I commend Councilman Ricciardi for his amendment which it's about time that this be put in because it is a definite problem on this dumping.

(See addendum for comments)

Mr. Udin:

I want to speak strongly in favor of Councilwoman McDonald's legislation giving guidelines and direction to the use of Tax Increment Financing.

Also, I want to pull out and acknowledge if I may, Mr. President --

Mr. Ferlo:

Point of order can we ask that the colleagues make a motion to amend by substitution so that --

Ms. McDonald:

I thought you were you going to call on me first, I was going to ask to make a motion to amend by substitution.

MR. UDIN seconded the motion.

Ms. McDonald:

Thank you, Councilman Ferlo.

Mr. Udin:

I was speaking in support of the legislation and wanting to point out that the part that has me most excited about the bill is the fact that we use the benefit of the breaks that the city gives to developers through TIF's to encourage that new jobs 50 percent of new jobs will go to city taxpayers. That's a strong use of city benefits. And Mr. Ricciardi's bill also uses the TIF to support jobs for city residents by requiring that domestic steel be used.

It is a reasonable approach, it didn't take all the jobs, and it only took the new jobs. And it didn't take 100 percent of the new jobs, it only took 50 percent of the new jobs.

So I think it's a reasonable position that taxpayers should get a fair share of the benefits of using taxpayers money to develop these projects. It is also the basis of the legislation that I will be bringing forward called Pittsburgh Works that uses TIF's and other city breaks to provide jobs 50 percent of the jobs for city taxpayers in the building trades.

And, I would hope that Council members who support the use of TIF's to get jobs in the general sector of the

community, the work market place will also support the use of TIF's and other breaks to get jobs for city taxpayers when it comes to the building trades.

I point this out, Mr. Councilman, because I am aware of the fact that some of the building trades, labor unions have been lobbying members of Council rather hard in opposition to city taxpayers being able to get jobs in the building trades, when we are quick to support jobs for city taxpayers in other areas of the market place.

I am calling for us to be consistent when Pittsburgh Works comes to Council. I hope that Council colleagues will remember that we represent taxpayers not special interests and will be as consistent in their vote of that as I am in support of this bill and am pleased to do so. Thank you.

The Chair:

Any further discussion?

Ms. McDonald:

I want to say there is one more change and that is that there is more flexibility for the committee to be set up. It involves all of the comments that were made last week, your input as far as not only the implementation but seeing the TIF through in terms of monitoring jobs to make sure that they live by the letter of the law of the contract that they signed. That if they sign it and they get tax dollars they need to live by that and to hold them accountable.

So, the TIF committee again as Councilman Diven had said that he wanted

to be on the committee, I think the committee should be open, I think that's why it just says Council members, and it should be open.

The Chair:

Thank you.

The bills are now ready for final action. All in favor of the passage of the bills vote aye when names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Ricciardi
Mr. Udin	Mr. O'Connor

(Pres't)

(Mr. Onorato abstained to Bill 1018.)

Bills have received the legally required number of votes and have passed finally.

MS. MCDONALD PRESENTED:

Bill No. 1102:

Report of the committee on Parks, Recreation and Youth Policy for December 9, 1998, transmitting two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 1048:

Resolution authorizing the Director of the Department of Parks and Recreation to increase certain admission fees at the Schenley Park Ice-Skating Rink, January 1, 1999.

Which was read.

Also,

Bill No. 1049:

Resolution establishing a schedule of fees for the swimming pools for 1999.

Which was read.

The Chair:

You have heard the reading and title of the bills, is there any discussion on the bills?

Ms. McDonald:

Yes, thank you, Mr. President. I would like to alert Council now maybe I missed this but I talked to my neighbors and they said they didn't see it either last week when we discussed the increase in the pool fees. On Bill 1049 it says the annual pool pass fees, these fees apply to residents and non-city residents.

I have a problem with that because I feel that the city residents should not have to pay the exact same fees as non-residents. City residents pay taxes and have a stake here to be able to make sure that the pools stay a viable entity in our city, non-residents do not. They're there for a one shot deal, they enjoy it, they go back home and pay their taxes in

their suburbs.

So I thought there was a two-tier system. I know there was a two-tier system at one time. I don't know how this got in and maybe it was an oversight on my part, but I am going to make a motion to recommit.

MR. ONORATO seconded the motion.

Mr. Ferlo:

Discussion. One thing I believe the differential was on the Highland Park Zoo fees at one point we had a differential. I would like to recommit the bill because I think we should totally defeat the dam thing.

The Chair:

I didn't realize --

Mr. Ferlo:

Why don't we just make it more bureaucratic so when three little kids and two of them have to be from Penn Hills and one from Lincoln Larimar and one from Highland Park and they show up at the pool, now we are going to say, well where is your residency card? You show me how many little kids have a residency card.

Get rid of the dam fee and we won't even have any problems. A lousy \$250,000, get rid of the dam fees. Swim free or die.

MR. UDIN seconded the motion.

The Chair:

There is a motion on the floor to recommit both bills.

Ms. McDonald:

No I am sorry, just Bill 1049. Bill 1048 I think we should vote.

Mr. Cohen:

Swim free or don't tread water on me.

The Chair:

Second on the recommittal.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

The Chair:

Any other discussion? We still have 1048 in front of us.

The bill is now ready for final action. All in favor of the passage of the bill vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Hertzberg	Ms. McDonald
Mr. Ricciardi	Mr. Udin

(Mr. Ferlo, Mr. Onorato, and Mr. O'Connor voted no.)

Bills have received the legally required number of votes and have passed finally.

The Chair:

Under motion and resolutions.

MOTIONS AND RESOLUTIONS

I would like to announce we have a Public Hearing Thursday, December 17th at 2:00 p.m. Bill 1066 concerning CDBG funding.

Mr. Onorato:

Briefly, Mr. President, you might recall last Wednesday during the Committee Session under Finance I asked that both the Director of Finance and the Director of Public Works to have bills introduced today regarding Lockhart Street property, and regarding that little garden up in 27th ward.

Neither bills were introduced today, I will ask the Chairman of Finance because I don't want to penalize anyone that was having the property sold that maybe we should just start holding all sales of properties until those two bills get up here. I would like to have the individuals enjoy that garden as opposed to their estate enjoying it during their lifetime here. We waited long enough.

Mr. Ferlo:

On a different issue. Mr. President, we have a bill introduced today at the administration and I also put my name on. I am sure other colleagues are supportive and that is to make some decision regarding the Keystone

Opportunity Zone, that bill is up tomorrow.

I would like to ask that we make sure that whatever administrative representatives need to be here tomorrow, URA, Deputy Mayor Cox, Mr. Culligan, whoever has been working on this, if we could please have the folks here so we can get it resolved.

There is a school board meeting tomorrow night on this issue. I think we should send some clear message, whatever that message is going to be. I hope it's a positive one and I hope at some point we can separate out the need possibly to create the zone versus the issue of whether or not the LTV Coke Works would be the beneficiary of it. I think there is a separate and distinct issue that is before us.

I would hope that whatever we do we have the people at the table tomorrow so we can have an intelligent discussion and bring this to some resolution.

And secondly, on an unrelated matter. Everyday on the news I turn on the news about how many counties including Allegheny County have a draught, a water draught, and I don't know that the City of Pittsburgh is in that category, I don't think we are. I wish the news would say oh by the way the city because of its futile location and because of its infrastructure doesn't have this problem.

If we do have this problem, I would like to know if we do. But really what I am asking for is, I think this is a good opportunity for either at no cost or some below cost providing water to municipalities and communities outside

the City of Pittsburgh.

I would like to ask that we send a memo to the Mayor and to the Director and the Board of the Pittsburgh Water and Sewer Authority to ask them has this been approached at all? Have they discussed this issue? What would be the mechanics of it, is there something the state can do? As many milk trucks that come into this city emptying out milk, I am wondering why they can't be filled back up again with Pittsburgh water and send it back out to some of these outlying communities?

Now, I am not suggesting necessarily that we are going to supply water to all of Pennsylvania. I am only suggesting that we have an available resource, and I think for just a little bit of resource money, or even in kind. I would like to suggest that we show some amount of good will to other communities as a show of support from the City of Pittsburgh. I think we can do this without much of a problem or hassle and I would like to suggest that Council send a letter to at least explore this issue because I think unfortunately it may get more critical than it is right now in terms of the draught.

So, I will help draft a memo under your signature but I would like to send a formal request for some review of this issue.

The Chair:

I agree with you. We have plenty of a supply. It is a question of how to get it there whether they have the facilities or the state would intervene or the National Guard or whatever the means would be to -- I believe at least we have plenty of water here. So it should be a positive outsource

that we are certainly willing to share it.

Mr. Ferlo:

It's a good message we can send here in the city to the suburbs and to the outlying communities too.

The Chair:

For any future growth of this city. Actually at first I thought you were going to say succeed, because I see Plum Boro is trying.

Mr. Ferlo:

That's a racist action.

The Chair:

That might be true. The other -- on the KOZ will be in front of us tomorrow. I won't discuss it today. But I believe any colleagues who can try to come up with language to separate the two issues would be very beneficial as you said, Mr. Ferlo.

Anything else under motions and resolutions?

Can I have a motion to approve the minutes?

MR. UDIN moved to approve the minutes.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Motion to adjourn the meeting.
The next meeting will be Monday,

December 21 at 10 a.m.

MR. UDIN moved to adjourn the meeting.

MR. FERLO seconded the motion.

And on the motion made by Mr. Udin, the meeting adjourned.

ADDENDUM

Mr. Hertzberg's comments on Bill 967 and Bill 712 can be in the Standing Committees Meeting Minutes of December 9, 1998.

Ms. McDonald's comments on Bill 1018 can be found in the Standing Committees Meeting Minutes of December 9, 1998.

MUNICIPAL RECORD

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ONE-HUNDRED THIRTIETH COUNCIL

BOB O'CONNOR.....President
LINDA M. JOHNSON-WASLER.... City Clerk
JOHN R. MASCIO.....Deputy City Clerk

Pittsburgh, PA
Monday, December 21, 1998

PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Diven	Mr. Ricciardi
Mr. Ferlo	Mr. Udin
Mr. Hertzberg	Mr. O'Connor
Ms. McDonald	(Pres't)

The Chair:

Will you please stand for the Pledge of Allegiance and remain standing for a moment of silent prayer for peace and hope throughout the world.

We have 30 special guests this morning, students are voice majors from Rogers Middle School for the Creative and Performing Arts.

Students:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all.

The Chair:

At this time I would like Ms. McDonald to come up, they all reside in your district. You want to introduce some of them and tell us what they're here for. Also, they're going to do more than just the pledge.

Ms. McDonald:

Yes they are. I just want to thank Ms. Ronda Telefaro from Rogers Middle School for the Creative and Performing Arts, that's Rogers Cappa for bringing these fine students down here.

Ronda, you have invited me to many initiatives any kind of performances that you had at Rogers and I do appreciate that. The one thing I will say is that this group once they sing represents the type of quality that you will see in our Pittsburgh Public Schools. I will continue to be an advocate for our Pittsburgh Public Schools. They make me proud of this school. I am very proud of all of them and this is just one of our middle schools. That is all I am going to say. I would like them to do their thing.

Mr. Biggs is the Musical Director.
Thank you.

Mr. Biggs:

We are going to do four numbers, the first number is (inaudible), the next number is (inaudible) in one selection. The next one, Christmas Time Is Here from Charlie Brown, Shalom My Friend, and Kwanza Celebration.

(Students performed.)

The Chair:

Mr. Biggs, on behalf of myself and all Council members we certainly want to thank you for coming down. You did a wonderful job and this is a sign of Pittsburgh's finest.

Why don't you take the mic and introduce everyone for an extra minute. We don't often give enough credit to the youngsters who do an outstanding job for our city.

Mr. Biggs:

The last song was Carol of the Bells, we threw that one in.

(Students introduced themselves.)

Mr. Biggs:

Thank you.

The Chair:

Is your principle here? Ms. Telefaro is here. You want to come up?

Ms. Telefaro:

I would like to take this

opportunity to thank you, Valerie, thank you and of course our choristers our vocalists along with Mr. Biggs.

Mr. Biggs has just returned from a death in his family in another city. So we were able to pull this together along with the kinds of things that we do at Rogers Cappa, you rise to the occasion and when the curtain goes up you are there. I would like to say thanks and we are glad you are back Mr. Biggs.

Last week his students dedicated their performance to him. I am very proud of my students as they know, as are their parents. I would like you all to be reminded when you think of Rogers Cappa, think of positive things and certainly when we think about our Pittsburgh Public School children, they are here, they are your next door neighbors, they are the ones that you see along the way. The ones who provide the hope dreams and aspirations for this city.

So please when you keep in mind youth, please keep in mind Rogers Cappa and all the other 40,000 youth of our Pittsburgh Public Schools. I say that on behalf of our superintendent Dr. Dale Frederick of course and all of us in the 93 Pittsburgh Public Schools there are.

Valerie, let me also say thank you. I am going to say just personally as you know we are so delighted to have Councilwoman McDonald come to do science experiments with our children as a chemist as you know. And we always look at that. Certainly in the creative and performing arts school, that's our emphasis. But when we talk about other experiences in which you are so willing and have given and selfishly. We look to

see you in March during Women in history month. Thank you.

The Chair:

I notice you didn't ask Valerie to sing with you or any Council member.

Ms. McDonald:

I used to perform in a choir, watch it.

The Chair:

We have one very, very special guest. Mr. Ferlo, will you bring up a living legend in Pittsburgh?

PRESENTATIONS

Mr. Ferlo:

I would like the honorable Chilly Billy Cardille to please come forward and his family. We have Stephen here this morning. Steve Luncinski also, we have the honorable Bill Cardille here this morning. His lovely wife Louise, their daughter Lori, son-in-law and from Channel 11, Jim Rogel and son Bill, Bill Junior, and granddaughter and grandson Kate and Jake.

We are honored to have them all here this morning. I will first read the official proclamation and then we have a brief little videotape. Then I will turn it over to my good friends I guess historically we know him as Stephen, but I know him as Steve Luncinski. He is also an honorable member of the Democratic State Committee. We are going to have Steve say a few words and then we will get the honorable Bill Cardille up here.

I would like to present this to Bill and I would like to read the following proclamation.

MR. FERLO AND ALL COUNCIL MEMBERS PRESENT:

No. 1103 WHEREAS, Bill Cardille, the second of nine children, was born in 1928 in Sharon, PA; and

WHEREAS, Bill Cardille attended the Indiana University of Pennsylvania on a basketball scholarship and began his legendary broadcast career in 1953 in Erie at radio station WICU; and

WHEREAS, Bill Cardille launched his career in Pittsburgh in 1957 as an announcer at WIIC, Channel 11, later to become WPXI, Channel 11 and was the announcer for the television station's sign-on call; and

WHEREAS, over the next 40 years Bill Cardille, affectionately and respectfully dubbed "Chilly Billy" Cardille made himself an icon and institution in the Greater Pittsburgh area hosting such locally produced programs as Luncheon at the Ones, Teen Hop, The Afternoon Money Movie, Bingo, Studio Wrestling, Chiller Theater, and the weather; and

WHEREAS, Bill Cardille has also served as the host for the Muscular Dystrophy Telethon for more than 20 years, helping to raise over 10 million dollars for the Muscular Dystrophy Association in the Greater Pittsburgh Area; and

WHEREAS, Bill "Chilly Billy" Cardille is retiring from an astounding and

groundbreaking career in broadcast television; and

WHEREAS, Bill Cardille can still be heard on Pittsburgh radio station WJAS from 10:00 to 3:00 on Monday through Friday;

NOW, THEREFORE, LET IT BE RESOLVED, that the Council of the City of Pittsburgh does wish to pay tribute to the long and fabled professional career of Bill Cardille, a true Pittsburgh broadcast legend and icon for the past forty years and thank him wholeheartedly for his philanthropic works and community service in the Pittsburgh area; and

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh does hereby proclaim the week of Monday the 21st of December to Sunday the 27th of December to be "Bill Cardille Week" in the City of Pittsburgh

MS. MCDONALD moved to adopt the resolution.

MR. UDIN seconded the motion.

Which motion prevailed.

Mr. Ferlo:

We have a brief little tribute tape here we want to show you and then I am going to ask Steve to come up and say a few words.

Mr. Rogel:

Jim Rogel, son-in-law. I am not use to this.

Very briefly I want to thank

Councilman Ferlo and Council President O'Connor and Yarone Zober from Ferlo's staff who really helped put this together and Steve, of course. I just want to take a couple of minutes of your time to show you a little bit of Bill as you might remember him a few years ago. He's been around as long as television has been around, professionally. But not many people know he started in Erie. So you should get a look at this.

He looks exactly the same. This is the first of Bills many excellent broadcasting adventures. (portion of tape shown)

Many of you know Bill he's pretty versatile himself, just check out this adventure from Uncle Billy. (portion of tape shown)

We are not done, Bill, a couple more minutes. Bill hit the tip top when he came to Channel 11 and signed on as the proclamation said, signed on WIIC. Many of you are old enough to remember Bill at ringside and doing studio wrestling. I grew up with him doing that, so here is just a brief clip, real speech wrestling so you will need a translator here. And, Bill will tell you what this wrestler says afterwards because I couldn't understand him. If any of you do, let me know. (portion of tape shown)

But the Chilly Billy we all know and love actually has a permanent place in the museum of television radio in New York. If you go there you can find Bill there. Primarily for one killer chiller of a show that we all do remember I am sure. (portion of tape shown.) You will see Steve right there. They both look exactly the same.

Thank you Bill. He's off television although once in awhile you see him do his vacation relief. You will however see as the proclamation says find him moving and grooving every day on WJAS Monday through Friday. Last piece here. (portion of tape shown)

Congratulations Bill.

Mr. Ferlo:

I don't know if you recognize that other gentleman from a few years ago, but Stephen, Steve Luncinski.

Mr. Luncinski:

Thank you, ladies and gentlemen. Hopefully while obviously from that picture, age has been kind to both Bill and I. Because certainly I have a little better haircut than I did then. But you know, we live in a great city and we live in a great county. And one of the reasons what is great about our region is the fact of its people and no one exemplifies that more than Bill Cardille.

Bill has done more charity things and more good things for this region than just about any man I know. I am very proud to say that I have been involved with him for 25 years, I am very proud to say that his family treats me like I am one of their own.

Ladies and gentlemen, I am very proud of this man, I hope you're proud of him. He is truly a Pittsburgh icon, and it gives me one word he said before we came in, he said you know if Governor Ventura elect can win in Minnesota he said you can be County Councilman. So, I am counting on you for that, Bill.

Ladies and gentlemen, a round of applause for the greatest people I know, Bill Cardille and the Cardille family.

Mr. Ferlo:

Thank you, Stephen.

I think on behalf of all of my colleagues who are all joining in co-sponsoring this proclamation, we want to thank you sir very much for not only more than 50 years of great entertainment, but we want to especially highlight your community spirit, your film profit endeavors over the years. We applaud you and this is not supposed to be a funeral by the way. It is not like you're leaving or going anywhere. We appreciate all of the good work you have done for the Pittsburgh community for so many decades and we applaud you for continuing at least on the radio level with your station, your afternoon show.

So we want to thank you. We thought it was appropriate to end the year with a big bash and to thank you and really highlight because you are really what Pittsburgh is all about. We are very honored that you and your beautiful family are here today and we want to thank you.

Mr. Cardille:

Councilman Ferlo, Councilmen in chambers, friends and of course my family, this is rather appropriate for Christmas week but boy it is tough. I would like to introduce my wife Louise who has been with me since the early days of Erie, Pennsylvania when I started there in 1952 and it was a great ride. I was there for four years when there were less than 50

stations in the country. And, when Pittsburgh went on the area and other stations, I had an opportunity to come here. I brought with me my first born Lori, Lori Cardille Rogel and the good doctor induced labor pains and we moved to Pittsburgh after my son was two weeks old and that's Billy in the back.

My daughter Maria, we talked to her last night and this morning and she is living in Shanghai in China where my son-in-law is working over there for service masses with our two grandchildren. But we talk to them two or three times a week and she is missed deeply. My grandson you met, Jim Rogel over here, actually my son-in-law working at WQED, he's the Vice President in charge of national programming and does a lot of things at the White House. So, if any of you get to the White House he will be doing some interviews with you too. Also my granddaughter Katie, and my grandson Jake, Jake Rogel.

I can't say enough nice things about the cast and Steve Luncinski. Stevie is with me on my radio show, he is the man about town, also known as the love doctor, and if anyone knows him, you know he gives readings. He gives some great readings too, mostly late at night being a single fellow.

There are so many people, I was completely shocked at this and I just want to say thanks to everybody that made it possible. I was talking last night about going to work today and starting off my show, little did I know I was coming to the Council Chamber, but thank you very, very much.

I can't talk about my parents, but I

wish they were here. There were nine children in our family in Sharon. I had a song and dance act with my dad when I was a pre-teenager and he encouraged me to get out of Sharon and to follow my dreams. But I didn't know how to follow them and little did I know or both of us know that he would be sharing a lot of my happiness here in Pittsburgh before he died in the early '70's.

I have been very blessed. Not only with a family but I have done almost everything I have wanted to do in a career except maybe make a lot of money. But I really have had a great career. There are so many people Pittsburgh to the thousands of Pittsburghers that have helped me along the way, to the great management at WIIC in the early days that believed in me and hired me, and to the current Manager, John Howell, and to the people up there, they have been fabulous. To be at one station for 42 years and to have all the opportunities that I had at Channel 11 and all the shows that I have done and they let me do national shows like fly up to Philadelphia and do championship wrestling. I also had a chance to do movies, everything I had to do, I had to get permission for, but they have been great to me. I cannot say enough nice things about a lot of nice people.

But I owe it mainly to the people that watch television and listen to the radio. Because they are the ultimate barometer whether you are a success or not, your constituents. And I have tried to over the years, tried to be a good citizen and a good family man, and a good human being. And I have stumbled along the way like I think a lot of folks have, but I have gotten back up and I have had people help

me get back up. So in my (inaudible) song from television I turned everything in the microphone over to the younger generations, it has been just fabulous.

And to all of you, thank you and have a happy holiday and Merry Christmas and may all of your dreams be fulfilled. Thank you.

Mr. Ferlo:

Bill, again, on behalf of all the people throughout Western Pennsylvania, we want to thank you very much and you left us with a great message for the season, thank you, and God bless you.

We would like all of our colleagues to come up here and try to get a joint picture.

The Chair:

Now move to presentation of papers.

MR. HERTZBERG PRESENTED:

No. 1104 An Ordinance amending the Pittsburgh Code of Ordinances, Title Four Article I, Streets and Sidewalks, Chapter 419, Regulated Activities, by adding Section 419.11: Requiring all owners of Structures on Public Rights-of-Way to provide Indemnification to City. ---
(SPONSORED BY MR. HERTZBERG)

Which was read and referred to the Committee on Public Works, Water and Environmental Services.

MS. MCDONALD PRESENTED:

No. 1105 Resolution providing for a warrant in favor of Annie Pettway, P.O. Box 99614, Pittsburgh, PA. 15233, at a cost not to exceed \$4,100.00, as payment for professional services rendered to Councilwoman Valerie McDonald, District, 9, for the benefit of the residents of the City of Pittsburgh from July to December. Chargeable to and payable from Code Account 511000, Salaries, Sub Class 010, Organization 101190, Budget Year 1998. ---**(SPONSORED BY MS. MCDONALD)**

Which was read and referred to the Committee on Finance and Budget.

No. 1106 Resolution providing for the transfer of the aggregate amount of \$10,164.90 from various codes to Salaries, Regular Employees, Account 511000, Fund 1000, Organization 510000, Subclass 010, Year 1998.

Which was read and referred to the Committee on Parks, Recreation & Youth Policy.

MS. MCDONALD moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

MR. HERTZBERG seconded the motion.

Which motion prevailed.

MR. UDIN PRESENTED:

No. 1107 Resolution providing for the issuance of a warrant in favor Thomas Thorp, c/o Ludwig, Patberg, Dixon &

Ging, Attorneys at Law, 527 Court Place, Pittsburgh, Pa 15219, in the aggregate sum of \$22,000.00 in full and final settlement of a claim filed in the U.S. District Court for the Western District of Pennsylvania at C.A. 95-2072, and charge the same to Code Account 46, Judgements, Index Code 004606, Fund 1000, Sub 170, Account 582200, Org. 999200.

Which was read and referred to the Committee on Finance and Budget.

The Chair:

Is there any unfinished business to come in front of Council?

UNFINISHED BUSINESS

I have Bill Number 1010, the appointment of Mr. Momberger to the Contracting Out and Review Committee.

Is it the pleasure of the body to hold this? I would like to make a motion to hold it three weeks until after the holidays.

MR. COHEN seconded the motion.

Which motion prevailed.

The Chair:

Anything else under unfinished business? We now move to Reports of Committees.

REPORTS OF COMMITTEES

MR. UDIN PRESENTED:

Bill No. 1108:

Report of the Committee on Finance and Budget for December 16, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 1062:

Resolution making appropriations to pay the expenses of conducting the public business of the City of Pittsburgh and for the meeting the debt charges thereof for the fiscal year beginning January 1, 1999.

Which was read.

Also,

Bill No. 1064:

Resolution fixing the number of officers and employees of the City of Pittsburgh and the rate of compensation thereof; and setting minimum levels for designated positions for the year 1999.

Which was read.

Also,

Bill No. 1065:

Resolution adopting and approving the 1999 Capital Budget and CDBG Program; and approving the 1999-2004 Capital Improvement Program; by adjusting various line items in conformance with City Council's 1999 Capital Budget Amendments.

Which was read.

Also,

Bill No. 1079:

Resolution providing for the transfer of \$500,000.00 from various accounts within the Department of Public Safety, Bureau of Police to the Public Safety Training Account Trust Fund, Department of Public Safety, Bureau of Police. (PRESENTED BY MR. DIVEN).

Which was read.

The Chair:

You have heard the reading and title of the bills, is there any discussion on the bills?

Mr. Udin:

Thank you, Mr. President. As you have heard in the reading of the first three bills on the annual budget appropriation, there are some last minute amendments to those bills that I would like to have acted on and be accepted as part of the total budget.

Colleagues should have in front of them a document entitled final 1999 Council Capital Budget Amendments. As I read each one, Mr. Chairman, I would like to have the sponsor of the bill explain it and defend it before we vote.

The first has to do with the disabled and public sidewalk program in Engineering sponsored by Councilman Hertzberg. It is a reduction of \$317,000 from one million one hundred fifty thousand dollars to eight hundred three thousand dollars in disabled and public

sidewalk program and increase in street resurfacing of \$167,000 and community based organizations \$150,000. So moved.

MR. HERTZBERG seconded the motion.

Mr. Hertzberg:

Thank you, Mr. Chairman. You may recall unfortunately we are in federal court over the issue of whether we have complied with the Americans With Disabilities Act in the placement of ramps on every street that has been resurfaced in the city since the enactment of the American's with disabilities act.

As far as moving forward we have now incorporated into our street resurfacing the idea that every street that is resurfaced that ramps will be constructed at every corner that we resurface the street. The remaining issue was going backwards over the years that we weren't doing that. And I am happy to report that that issue is very close to being resolved and the lawsuits should be settled.

I talked to Council both for the plaintiffs and with our Solicitors Department and the agreement that over the next three years, the city will go back over the areas that we didn't have the ramps constructed on and do it and the estimated cost of that is \$2.5 million. Now what we had done previously was we basically doubled the proposed amount. And it turns out that in accordance with what everyone is agrees is a settlement, that was a little more than we needed to do. What we need to have in there is \$833,000 over the next three years. And that's what this amendment does.

So it is actually a reduction in the amount that we are going to spend. But it is in conformity with what everyone says is a settlement. Also, you see a restoration of some of the money that we had been tapping into to do that from street resurfacing we restored \$167,000 community based organizations \$150,000.

Mr. Cohen:

Thank you, Mr. President. I would like to just again commend Councilman Hertzberg for taking the lead on this issue. And thank all of Council for supporting this. It is costing a lot more money, there is no question about it. But it is a necessary thing to do because as I mentioned last Wednesday, I feel as if this is a moral issue not just a budgetary issue. And, I think Council can be proud that it will be putting in these ramps for people with disabilities.

The Chair:

Before we vote, I agree with you and I think it is a moral issue and I think Mr. Hertzberg has a personal interest. He's taken what I think was a possible whether it be a lawsuit against something that wasn't being done correctly and through his intervention and really brought this to a very satisfactory resolution.

Mr. Udin:

Should we vote on each one of these amendments and then the whole budget?

Mr. Ferlo:

Call the question, Mr. President.

The Chair:

You want a roll call vote?

Motion to approve the amendment by Mr. Hertzberg.

All in favor?

Bill passes.

Mr. Udin:

The next amendment, Mr. President, is all though sponsored by all members I believe initiated by Councilman Onorato. It relates to the Law Enforcement Memorial on the North Shore. It increases the line item of Law Enforcement Memorial by \$35,000, decreases capital equipment acquisition by \$35,000. So moved.

MR. ONORATO seconded the motion.

Mr. Onorato:

Yes, this is sponsored by all of us. I know all of us have been talking about the memorials along the North Shore. This is one particular memorial that I have been involved with over the years and you should know that the city Public Works has just completed a handicap ramp from the circle around the stadium down to the war memorial. They were working on it last week. I saw the heavy equipment over there putting in the ramp, and they had to remove the guardrail to have an opening. So that is now handicap accessible.

The one piece of the over all capital project that was missing for this memorial and some of the other memorials that are closed, are water lines to help with

some of the landscaping. This would help put the water lines that are necessary to go there and that's all the \$35,000 will be addressing. But it really is bringing it to closure on this particular memorial. It's something that the volunteers have been working on over there for a long time and I think it's a good addition to the entire memorial row over there.

The Chair:

Thank you. All in favor?

Which motion prevailed.

Mr. Udin:

The next amendment is also sponsored by Councilman Onorato it is essentially a text change amendment.

Mr. Onorato:

In the spirit of the discussion last week, these are some capital items that I have been discussing with the administration like the ones my colleagues have been discussing. I did not make a monetary movement with an amendment here. This is just a text change to a larger grouping of accounts under the URA that deal with neighborhood infrastructure and issues that I hope will be addressed in the near future, but you can see the totals do not change, this is just additional text. So moved.

MR. FERLO seconded the motion.

Which motion prevailed.

Mr. Udin:

Next amendment is sponsored by

all members. It is an effort to restore by 3.9 percent the safety net program. We heard the pleas of the organizations connected with the Hunger Trust Fund warning us that the number of people who are appearing at food banks and for services around the city is increasing. Although they requested an increase, we were not able to because of fiscal constraints to increase the line item. But we certainly were able to maintain the line item at the same level of funding as they received last year while other community development block grant programs were reduced by 3.9 percent.

So this restores the safety net programs by 3.9 percent by reducing street resurfacing by \$11,648, increasing the hunger services network by \$1,680, increasing the Pittsburgh Community Services Hunger Trust by \$5,479 and increasing Pittsburgh Community Services Safety Program by \$4,489. So moved.

MR. FERLO seconded the motion.

Which motion prevailed.

Mr. Udin:

- The next set of corrections, Mr. President, are from the Mayor's Office. There are actually two sets of amendments coming from the Mayor's Office. The first two are corrections that will increase the salaries of these positions by 2.5 percent because they were by mistake left off of the 2.5 percent increases that were given to all other city employees.

This corrects the positions in CIS and General Services. Also there is a payroll supervisor position amendment coming from the Mayor's Office by

increasing payroll supervisor line and decreasing the Mayor's budget on education and training by \$5,382. We can either take them as a group or one at a time, Mr. President.

MR. FERLO seconded for discussion.

Mr. Ferlo:

I just wanted a further clarification on the 2.5, which I did not understand. We have agreed to a 2.5 for all in that category, non-union, non-collective bargaining salaries, white collar. I don't understand the distinction here of why we are doing something separate.

Mr. Udin:

These were by mistake left off the original list of employee positions that originally got the 2.5 and this is just putting them in.

Mr. Ferlo:

A monetary clarification also by now listing these positions?

Mr. Udin:

They are taken from the vacancy allowance.

The Chair:

All in favor?

Which motion prevailed.

Mr. Udin:

The next amendment, Mr. President, is in the office of the City

Controller. It is an increase in a salary line. Again, there was a position that was-- that the Controller's Office by mistake did not get into the list of increases when the other positions from the Controllers Office were brought forward. It is increasing a Clerk Two position by \$4,599, decreasing the Controller's vacancy allowance by the same amount. So moved.

MR. FERLO seconded the motion.

Which motion prevailed.

Mr. Udin:

Finally, Mr. President, there is an amendment by the President, Mr. O'Connor's Office to change the wording in the Hazelwood, Glen Hazel, Hazelwood Glenwood Glen Hazel Council to the Hazelwood Maintenance Task Force. So moved.

MR. FERLO seconded the motion.

Which motion prevailed.

Mr. Udin:

That concludes all of the amendments, Mr. President.

Mr. Ferlo:

Point of order, I would like to ask that we amend without necessarily reading all the groups that we have agreed to fund either in grants and/or CDBG so that the record reflects a formal vote on that.

MR. UDIN seconded the motion.

Mr. Ferlo:

As prepared by Councilman Udin on behalf of all Colleagues, as prepared by the Budget Director.

The Chair:

Mr. Udin, you want to mention how you publicized it on television.

Mr. Udin:

Because we normally, colleagues, read each one of these organizations one at time and we didn't do so at the final Standing Committees Meeting last week, I will work with the cable office to make sure that each of these are read and published on the cable city channel and will be available and broadcast all week.

The Chair:

Thank you. Any further discussion?

Mr. Cohen:

Mr. President, are we now prepared to take a vote on the operating budget as a whole?

The Chair:

Yes, we are.

Mr. Cohen:

I would like to say a few words if I may? First of all, I would like to thank the Finance Chair, I am sure you will do that as well, Mr. Chair. Councilman Sala Udin has been doing a very, very diligent job at the budget. I would also like to thank the budget office, and I know that Mr. Udin will do this as well.

Scott Kunka who just came on board and Chuck Crawford and Mary Jane Erdel for doing such fine work.

I hate to take away from the holiday spirit, Mr. President, but once again I will be voting against this budget because I cannot in good conscience support a budget that is structurally unsound. By structurally unsound I mean that yearly expenses exceed yearly revenues and that but for one-time items that artificially put the budget in balance for one year, it is in fact far out of balance.

This hand out that I have prepared shows, at least in my view, what the structural deficits in the budget are. I will wait a moment for people to get it. It includes a number of items that are either one-year or two-year items but certainly don't solve our structural problem.

Of course the first one and the biggest one is that we refinanced the city debt this year and took \$7.4 million in the first year rather than spreading that out over many years, over the term of the debt. We took it in one year. It's very different from say refinancing your mortgage on your house where you spread out the payments over the term of the mortgage. The city took it in one year.

The second is the state funding for the magistrate's court. That is far but certain that we are even going to get that in 1999. Of course, I hope that we do. But even if we do, it is not structurally. We don't have any assurances that that will happen every year.

The third is the payment in lieu of taxes payment that we received this year. Sometimes referred to as pilot payments to

the tune of \$3 million.

The fourth is the \$2.4 million from the fund balance which the Mayor proposed but takes money out of our fund balance in a way that is not structural. If we were to do that every year of course we would not have a fund balance and the rating agencies in New York would discount our rates.

The next one is the firefighter proposal for \$2.4 million. That is a two-year item, which does not have any structural effect.

The next is the escrow account, the business privileged escrow account which we found this year of \$1.3 million and it certainly is not going to happen next year.

The last item just depends on what Council does this morning on the pool pass issue. But if Council were to actually do away with pool passes, my understanding is that that would have a revenue effect of .3 million.

So we have a total of \$21 million in a structural deficit. Then you add to that a few facts and I will do this briefly. One is that revenues are essentially flat. Although we had hoped that all the development activities in the city would generate more revenue more quickly than it is has, it just has not been the case.

Second is of course that our operating cost increased at least five percent every year. Whether its utilities, equipment, salaries, that will add approximately \$16 million in expenses to our budget next year.

And the final most important fact

from my point of view at least is that city services have fallen below the level of acceptability. We have seen some red flags appear this year. Which at least for me indicates that city services are eroding to the point where we are on the verge of a crises in providing city services. Things like in my district and I am sure everybody can talk about their own district, but in my district we have had a difficult time with bulk pick up in many neighborhoods that I represent, bulk pick-up just doesn't happen. Or if it does, it doesn't happen every two weeks the way it's supposed to happen.

I often refer to a constituent of mine on Amber Way in Friendship that put the same old roll of carpet out every two weeks for about three months and it was never picked up until recently.

Our business districts aren't getting cleaned up. Our trashcans are not being emptied as well as they should have. And the reason is, we just don't have nearly as many people. We have two people in a truck picking up all the commercial districts between Lawrenceville and Squirrel Hill, just to give an example. We no longer have commercial pick up on weekends. So you know you see it of course on Forbes Avenue, Mr. President, or in my district there or on Liberty Avenue or Craig Street or Walnut Street in my district where trashcans are not picked up over the weekends so Monday morning they are overflowing.

We also can't get a lot of maintenance projects done. Maintenance projects such as streets and walls and stairs and fences fixed. I have voted for structurally unbalanced budgets in the past, but because of this erosion of city

services, I won't do it again. We have a responsibility to taxpayers to resolve this deficit and frankly I don't believe that there are any more rabbits that can be pulled out of the hat.

We have with the leadership of both sides of the hall here, we have merged departments including Public Works and Parks Department, we have spun off facilities, the Zoo the Phipps the Aviary, sold the Water Authority, we sold property liens, we refinanced our debt, there aren't any more rabbits to be pulled out of the hat. The only way at least from my perspective to truly solve this problem is to begin making tough decisions. And those tough decisions include getting our Public Safety budget under control, particularly the Fire Bureau budget, or agreeing to real revenue increases.

It really isn't fair to our children or the future generations of Pittsburgh to keep putting this off. I know that I don't have the votes this morning but I do urge the Mayor and my colleagues not to wait until this time next year to address this critical issue. Let's pledge to roll up our sleeves early next year and to work to try to solve this problem, because from my point of view it's a serious problem.

Thank you for the time,
Mr. President.

Ms. McDonald:

Yes. I appreciate Councilman -- I am not going to necessarily respond to Councilman Cohen's opinion. I think it's kind of self-explanatory that we do have a structural deficit problem. What I really raise my hand before, I didn't know Councilman Cohen was going to circulate

this was to commend Councilman Udin for the many, many, many -- the man never went home okay.

I saw his car late at night, early in the morning I don't know what he was doing here. He's still smiling. But Councilman Udin as Finance Chairperson for the many hours and the commitment and dedication and the perseverance that he put in to serving as our Finance Chair, I want to commend you, Sala. And I want to commend Scott for literally feet first, you really came in here and you did it. You got us a budget that is balanced. Now there is a little problem when we vote for these pool passes, for these pool increases, but we will discuss that at that time.

To Chuck Crawford and Mary Jane Erdel who put up with us in all our insanity sometimes that goes on. People don't know all the busyness that goes -- it is and you know it is. With amendments flying around every where but we got it together. And also I want to thank all colleagues for once again it's been a pleasure serving through the budget process. I am very proud that we can work together and even though we have certain pet things that we would like to see in that as the dust settles and once the dust settles, we actually are in agreement.

So again, I think Councilman Cohen is not necessarily in total disagreement I understand his principle. The principle is there is a structural deficit and he is sending a statement. But all in all we basically have agreed that this is something we can live with at least for 1999 until we do solve the problem. I just want to thank the staff and Councilman Udin.

Mr. Ferlo:

Refer to Mr. Hertzberg.

Mr. Hertzberg:

Thank you. I too want to thank the people that really do all the work in this process and first and foremost on City Council is Finance Chairman Sala Udin. He did a heck of job and worked very hard holding all of these hearings and I think confining them to the appropriate issues. And they went on and on and on and I know personally I had a few headaches, so I can imagine be multiplying that by probably by ten in his case.

So I thank him and of course Scott coming in the middle of the process. I was really able to work very well I think with all of Council and that was a major adjustment for him. He went from really one boss to nine bosses but I think he did a very good job of that. He is in good shape for the years to come.

Of course Chuck and Mary Jane who assist all of us. I thank all of you. I want to thank Paul Hennigan, the Mayor's Budget Director and also the Director of Finance. I think Paul was a real pleasure to work with throughout this process. He wasn't sitting there giving away the store but at the same time he did have some flexibility and we were able to work out virtually every difference in one manner or another. I think everyone ended up coming away not quite feeling they won, but nonetheless being able to move forward in the process.

I would like to reply to some of the comments made by Councilman Cohen. I respect his opinion. I do disagree with

him in a lot of areas with this budget. First, as far as the level of city services there are problems I don't disagree with that, but I think we have gone a long way in this budget to address them.

First and foremost for the first time we are seeing positions that were vacant being filled. I think over the last four years we have seen just the opposite. Vacancies have been allowed to remain and in fact they have actually been removed and not filled. This is the first time we are seeing the vacancies filled.

As far as the Public Works Department, which I think is one of the most if not the most important department for a Councilman is where we get the largest majority of our complaints. The Public Works Department, if you recall, we just enacted something that calls for an appraisal process and ultimately accreditation from the American Public Works Association. I think that's going to go a long way to making that department more efficient. The people there work hard but they may not be working smart. I think this process is going to be a great benefit to making that a more efficient department and going through what has been passed out here on our structural deficit, I would agree with some of these items. They certainly show structural deficit.

Refinancing the debt is unlikely to be done again. I don't agree on the state funding for the magistrate's court. I don't think that is a one time kind of thing. I think we can deal with that every year. It is going to come up every year and we can address it every year whether the funding is there or not. If the funding is not there, and if it is not there, then we will have to

take some steps.

Payment in lieu of taxes is something that we have worked on for five or ten years. I don't see that as a structural deficit.

The fund balance again that's the result of under spending in the year of 1997. If we are able to do that again this year, I don't see any reason. We have got a fund balance of 40 million to begin with, I think that's completely appropriate.

The firefighter's proposal, I would agree that's part of a structural deficit.

The 1.3 business privilege escrow account, I would also agree with that. The bottom line is I think the structural deficit when you look at the over all budget is a number that is really 2 percent. It is a serious problem but not one I think that merits voting this thing down or taking any radical change at this time. In fact, I think that if we walk in here with a budget from the get go is something easy to do, I think there is something wrong. I think there should be a struggle and I think it should be a little unpleasant. But at the same time I think that's healthy for the process that every year we re-examine what we are doing and try to find cuts. I think if it is very easy to do I think there is something wrong. I think at that point it is time to cut taxes.

I agree that every year we are going to be pressed with just basically cost of living and inflationary pressures. Naturally the operating costs are going to go up. Salaries intend to go up as a result of a lot of things. But there is something that is supposed to be built in to address that problem and that's our Real Estate Tax

Assessment System. And it's been broken over the past three or four years. It has been artificially held at one level. The whole idea of that tax and the assessment system is to keep up with inflation. You hear a lot of talk about these are back door tax increases if assessments go up, that's the whole idea of having a real estate tax assessment used for tax revenue.

The idea being that as inflation goes up property values are going to go up and as a result that, pressure won't be that great to have to increase taxes. It happens naturally when you have a real estate tax assessment that works properly and I think it will in the future.

I am proud again to vote for a budget that does not contain any tax increase. I have been proud to do that in the past, I have been proud to be part of some actual cuts in our taxes in this city and I think we have to realize when we start talking about tax increases that we are in competition. We aren't only in competition within this region; we're in competition with other regions. And the tax burden is a major, major factor in that competition that we are involved in.

So I am in full support of this budget and hopefully we will have the necessary votes to pass it. Thank you, Mr. President.

Mr. Ferlo:

I sometimes grow sick of this tax debate and discussion because we throw comments out that I don't think are really accurate. We keep saying that city residents and/or property owners are just disproportionately burdened as opposed to those who live in suburban areas. I really

don't think that's the case.

I know for political reasons Council members in the past including myself have argued at length about the high wage tax at a time when it was as high as four percent. I think to some extent we became a victim of our own rhetoric. If you actually did qualitative and quantitative assessment of what the tax burden is across the board including fees and what people get for their money and on a countywide basis and compare that to the city I think we fair quite well. And I am talking about including the property tax and school tax burden that falls on suburban outside the city.

So I know we use that often times, but I would venture to say and we did an analysis at one point that there really is much more of a level playing field of tax burden on city residents as much as any suburban community. Many suburban communities have extremely higher even though the school board has an inflated \$409 million budget. I think you will find that many suburban communities disproportionately pay a higher rate of real estate taxes to support suburban school districts. In addition they have out of pocket fees and deductibles for garbage and trash pick up, for EMS billing and services and the like as opposed to the package of the services that city budget provides for our residents.

I wanted to share some of Councilman Cohen concerns and to be honest with you, the most I can say about this budget that we're passing at least on the operating side is that it is a debate and a decision and discussion that's deferred. And I'm going to be a little bit more harsh and maybe more explicit than Councilman

Cohen. This budget unfortunately is not only structurally unbalanced it really does not draw a line in the sand on the inflated and ever increasing cost of Public Safety as disproportionate expenditures of the over all operating budget.

In other words we do nothing in this budget to make some hard choices and discuss through some public debate and discourse the fact that the city budget is getting out of whack and we can't be all things to all people. I do not support the garbage tax, because I would rather see if worse happens that we raise general revenues in taxes than create what I think will be garbage anarchy in the City of Pittsburgh with half of the residents not paying the garbage tax. We already have enough problems keeping the city clean, there are already so many reasons why as a matter of practicality, policy and management the city services while I fundamentally object and find distasteful the notion of a garbage tax. However, I do think we need to make some hard choices, which I don't think we did.

I attempted through the last month, and I think I attended all but maybe one because I had a tooth crown put in, I think I attended every Public Hearing on the budget and wanted to discuss, and I tried at any given time, the point of raising some discussion about the dirty word, the tax word. I believe that we should have left that raise in the amusement tax. My reading of the state statute under the creation of the Regional Asset District, I don't believe it precludes raising that tax. It implies that the first year that we receive the tax swap revenue of RAD, Regional Asset District, revenue and we spun off the operating burden of the zoo and all the those groups, it says that the first year we

had to lower it to five percent.

I think we should revisit that issue and challenge it and implore our state legislators if it does get to be a legal issue to give us some relief. We know it is happening disproportionately several hundred thousands of people in this region enjoy and benefit from their economic livelihood, their family income as a result of their corporations, businesses and major institutions that reside in the City of Pittsburgh.

And yet those individuals and I don't fault them, God bless them if they want to live in a suburban community, and they want to live in Butler county that's their prerogative, I applaud them. But the fact of the matter is they earned their income from the City of Pittsburgh proper and for that we get a lousy ten bucks. So what do we do in defense? We turned to raising the parking tax, because that's a way of getting to the suburban community. We raised the amusement tax, or at least maintain the amusement tax, because that is at least a way of getting some income from the suburbanites. We raised business privilege tax or look to business privilege tax because that is at least getting to the suburban community to pay their fair share.

We didn't make some hard decisions and we know we have a legal problem with binding arbitration, with the FOP and police and Firefighters Bureau. But it is not fair to the white-collar work force, it is not fair to our residents to continue to thrash and slash Public Works, Parks, and all the other part of making the city livable for our residents and the families that we represent.

So, we have a disproportionate tax burden. We have a disproportionate operating budget that pretty much gives Public Safety clear sailing. We refuse to discuss the issue this time of actually through attrition cutting back the number of officers, that is not a politically popular thing to do, I know that, and I don't like to have to do it myself. But in the absence of raising real money or real revenue and not wanting to take on the issue of curbing and with the help of the Mayor -- and by the way we are all here talking about what Council's role is. We know for a fact that the leadership has to come from Chief Executive Officer of this city, the Mayor.

As far as he pretty much took a powder on this operating budget and that is his prerogative, but it doesn't make it any easier for this Council who moves up to the plate if the Mayor is not going to be there leading the charge, and he didn't do that for a number of reasons. That is his prerogative. But I feel very uncomfortable in supporting the operating budget this time. Because we did not make a decision or at least send a clear message legally by way of the budget about the ever growing (inaudible) budget of Public Safety at the expense of Parks and Public Works and all the other things that we say we want to do for our residents.

I mean every one of us gets up here and beats the Public Works Director, we don't have a Parks Director, but the Parks staff to death over city services, but you can't be everything all ways. There are some tough decisions we have to make. We did not do that in this budget and I think we are making a mistake.

Now in the ten years that I have been here I have lowered significantly the

earned income tax on two occasions down to one percent on the city side. So when I came forward with the notion of raising it one tenth of one percent or one half a percent absent any other ability by colleagues to raise anything else, I am not actually even raising it from where it was eight years ago. I am actually in a way restoring some of that income in revenue. Now, I am saying that I am willing to raise revenues from taxes. Ideally I would go to amusement first, I would still raise parking if I had to, because those are the taxes that disproportionately revenue 70% or greater comes from non-city of Pittsburgh residents. And if worse happens, I would raise the earned income tax but I would dedicate it into a trust fund for Public Works and the Parks Department. So we actually have money and we can actually look the residents in the face and in the eye and actually say we are not just raising your money to have it swallowed up by Public Safety through binding arbitration. We are taking your money and we are going to add, we are going to clean up the dog feces out of the park. We are going to put stop signs up where they need to be. We are going to put traffic lights where people have petitioned them for. We are going to do a better job of cleaning and maintaining our business districts - by picking up the receptacles, and 50 other work objectives that we are not doing on a daily basis to the extent that people deserve to manage and have a quality city.

We have deferred a lot of tough decisions in this budget and it is unfortunate and until the Mayor and a more of a majority of my colleagues want to debate this issue, we are going to be hard pressed not to just do the easy thing which is go along and get along. That is really what this operating budget does to

be quite honest with you.

So, I hope I am not being harsh to any constituency or any of my colleagues, that is how I feel about the budget. And, I will also join Councilman Cohen in voting no today on Bill 1062 and 1064, the operating budget. Thank you.

The Chair:

Any other discussion?

We will follow up with a few things. I think Mr. Cohen when you look at the charts you maybe half right maybe more. I don't want to get into all the budget items, I think I will leave that to Mr. Udin. But he does have a tax committee to study. I believe by this year if we put a lot of effort into it, and Mr. Ferlo you just mentioned in your brief statement a wage tax, occupation tax, future ballplayer tax, amusement tax. I believe all of these things should be looked at before we raise any garbage fees especially since we put so much into development of downtown and other areas of the city that we have to wait for some of that revenue to come back. It is not fair for our constituents to pay a garbage fee to pay for that.

But there are a menu of items that I believe if we put our heart and sole into it and with the upcoming year to look at this tax committee to restructure that it can be a win, win for everyone.

With that said, the bills including the budget amendments are now ready for final action. All those in favor of the passage of the bills vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Diven	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

(Mr. Cohen and Mr. Ferlo voted no to Bills 1062 and 1064)

Bills have received the legally required number of votes and have passed finally.

MR. HERTZBERG PRESENTED:

Bill No. 1109:

Report of the Committee on Public Works, Water and Environmental Services for December 16, 1998, transmitting one ordinance and two resolutions to Council.

Which was read, received, and filed.

With a negative recommendation.

Bill No. 920:

An Ordinance amending the Pittsburgh Code by amending Title Four: Public Places and Property, Article I: Streets and Sidewalks, Chapter 419: Regulated Activities, Section 419.05 entitled "Telephone booths, transit shelters and news racks" and by adding Chapter 423, Regulation of News Racks and New Vending Machines Within Public Ways. (SPONSORED BY MR. HERTZBERG)

Which was read.

Also, with an affirmative recommendation.

Bill 1047:

Resolution granting unto National City Bank of Pittsburgh, 1020 Western Avenue, Pittsburgh, Pennsylvania 15223, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a four inch (4") concrete pad on a portion of the sidewalk area of Western Avenue in the 21st Ward, of the City of Pittsburgh. (COUNCIL DISTRICT No. 6)

Which was read.

Also,

Bill No. 1082:

Resolution naming the footbridge that extends over Route 28 to the Sarah Heinz House the "Charles J. Lieberth Pedestrian Walkway" Footbridge. (SPONSORED BY MR. ONORATO).

Which was read.

The Chair:

You have heard the reading and title of the bills, is there any discussion on the bills?

Mr. Hertzberg:

Thank you. Bill Number 920, which is an effort to put some minimal amount of regulation on newspaper vending machines. You have an amendment that has been set forth, incidentally it is not my intention to have a

vote on this today. I will go into that a little further. But I would just like to get this amendment into the bill.

It just adds the word indemnify, it was left out of the critical section in the bill in the original, actually the amended draft.

MR. RICCIARDI seconded the motion.

Mr. Hertzberg:

No further discussion, I just want to get the amendment in.

Which motion prevailed.

Mr. Hertzberg:

In fact, that issue I just wanted to briefly discuss the issue of indemnification. If you had a chance, the Solicitor prepared what I think is an excellent opinion on this whole bill. It's very comprehensive and it specifically deals with provisions on indemnification.

What the Solicitor says is that the court cases on actually requiring insurance, liability insurance from newspaper vending machines have all upheld the requirement for insurance, which of course is something that you have to actually pay for. This bill does not have an insurance requirement. All it says is that you will agree that if there is some kind of a claim made as a result of a newspaper vending machine, from a sidewalk you will agree to indemnify the city for any liability that we would run into.

I also want to thank the Law Department. I think they have done a heck

of a job working on this. They spent a lot of hours and even more so the Public Works Department and again this whole concept of wanting to have some regulation for newspaper vending machines comes from our Public Works department. They have been struggling with this issue for years and years. And we are trying to bring something up to try to help them. I mean that's what it is really about it is about our Public Work Department.

But I realize we had a preliminary vote it was three, four; three against, three abstentions, I don't think there are five votes today, Mr. President. I am committed to trying to work with our Public Works Department and I will also try to work with the vending community. What I would suggest we do, there has been a call for more dialogue and if that will help then I am going to have more dialogue. I think probably the best way to do that is to have a Post Agenda meeting early in 1999. And if no one would object to moving in that direction and then recommitting the bill at the end here, I would make a motion that we hold a Post Agenda meeting on that. We invite the newspaper tax force, distributors that aren't members of that task force, also the business agents or business representatives of any labor unions that have members that work with the vending machines either in placing the newspapers there, in placing the vending machines, and repairing the vending machines, and also that we have our Public Works Department here, our Planning Department and our Law Department. So I will make a motion that we hold a Post Agenda.

MR. FERLO seconded the motion for discussion.

Mr. Ferlo:

I would like to strongly suggest that rather than a Post Agenda we have a formal Public Hearing only because for the Public Hearing there is a general notification to the community. I would like to hear from individuals who feel affected either adversely or otherwise by this legislation. Or more importantly, who have adversely been impacted by the presence of newspaper boxes either in the right of way or in any way acting as an obstruction or problem.

I think if we have a Public Hearing it provides a broader opportunity for everybody to put their two cents in. If Council in the end does support some regulations, I would like it to be built on a body of evidence in relation to what the size of the problem is or delineating more appropriately through the public what the problem is not just the Public Works staff.

So I would strongly suggest or ask that we consider having a Public Hearing so that not just invited parties but the general public there maybe advocacy groups, there maybe individuals out there who would like to comment. Often times a Post Agenda is more of confining in terms of who is invited and gets to speak and also they're not as well publicized. So I would ask that Councilman Hertzberg think of the issue of a Public Hearing.

Mr. Hertzberg:

Whatever the consensus is, either is fine.

The Chair:

That maybe a better suggestion and

at the end of the Public Hearing I think we need a lot of dialogue with the interested parties. So that can be part of it.

Mr. Udin:

I just wanted to ask Councilman Hertzberg if he would also consider, the idea occurred to me over the weekend, many of the problems connected with the newspaper stands occur because they are out near the curb. I don't know whether or not if moving them back up against the building would present problem with the owners of the building? But it just seems to me that if they weren't near the curb, but up against the buildings many of the problems such as being able to see around the corner, etceteras, and blocking bus stops just would not be a problem.

I would hope that Mr. Hertzberg probably already looked at this, but it just occurred to me and I just wanted to add that question to the mix.

Not for now, when it comes back up.

Mr. Hertzberg:

It's in the proposal. There are regulations that deal with the distance from the curb and the distance from the building.

Mr. Cohen:

Mr. President, whether we have a Public Hearing or a Post Agenda, I do want to thank Councilman Hertzberg for going forward in a cooperative and collaborative state as opposed to one that's more us versus them. We don't want to have that.

I also just want to thank him for putting forth the legislation. There is a problem, we may disagree Councilman Hertzberg and I on the magnitude of the problem, I don't know or Public Works Department but there certainly is one and had it not been for Councilman Hertzberg's legislation, I think the newspapers task force would not have organized.

They have organized, they've presented something and I think we need to take it very seriously and look at it very closely to see whether they could have self regulation before we impose by ordinance other regulations. That's obviously one of the major issues to be discussed at the Post Agenda or at the Public Hearing.

Also, I want to thank the Public Works Department particularly Lamar Barnes for his hard work in this area. He certainly has been kind of on the front lines both in terms of complaints about newspaper boxes but also in terms of having to work through city government. I know that he was disappointed yesterday and I regret that -- or last Wednesday rather on the preliminary vote, I regret that he was. I know he's worked very hard on this issue. We just need to come up with the right solution to it. I personally feel that we should give the newspaper task force a chance to see whether they can have self regulations, but let's save that for another time. I think Councilman Hertzberg is doing the right thing.

Ms. McDonald:

I also commend Councilman Hertzberg for the hard work that he put into this as well as Lamar Barnes and Public Works. Often times what I found

with this legislation and the outcry from a lot of the media as to why is this legislation we don't like this. It is that when we go through our city if there is something that is not as nice looking after a while we become to accept it because it is always there always there, always there. If it comes kind of -- it is like jaywalking, it is part of Pittsburgh.

But indeed as we try to revitalize our city, go through another renaissance. We do have to look at all of these you may come call it (inaudible), but they are small elements that make a big difference in how this city looks and our safety. So I would hope that as we deliberate on other issues that impact how the city looks, billboards we talk about green space. When I came to Council we were thrashing around, at least I was thrashing around with the picket fence program. There are all kinds of initiatives out there and all kinds of things that decorate the City of Pittsburgh whether they are good or bad we have to make a decision for this city.

So I would just hope that as we try to come to some amicable compromise through the newspaper task force, through the Public Hearing, that the news media as well understands they are part of this city. We all have to make this city look good and sometimes you're going to have to compromise a little more than what you feel like compromising to do this.

Everyone has to sacrifice some kind of way to build the city. And I think that as we grow this city, I am not I don't have any sacred cows. When I got on the school board there were no sacred cows, when I am here there are no sacred cows, there will be no sacred cows. We have to do the right thing and make sure that we maintain a beautiful city.

We got Grant Street paved with bricks, we are doing the 5th and Forbes, we have got buildings coming up like you wouldn't believe, but we also have to take care of the small things. But I do believe there can be a compromise. I agree that the media must have, must, must maintain first amendment rights. I will not ever compromise that. But I do believe that there is a solution and I would hope that it would come forward through our dialogue jointly together sometime next year so there can be a win, win. I do believe there are more win, wins than there are not.

Mr. Diven:

First of all I would like to thank the sponsor of the bill, Mr. Hertzberg, for taking the time and not rushing through. I have had a number of calls in particular from organized labor specifically Mr. Loan of the typographical union. There are some concerns that they have regarding the impact, any kind of changes would have to the jobs that are provided by the industry. I thank him for taking the time to kind of slow it down and give them the opportunity to be part of the process so we don't inadvertently cause any negative repercussions in that industry because we have to remember that industry does provide jobs to local residents.

I appreciate Councilman Hertzberg giving the opportunity to extend the dialogue into the next year to try to make sure that all parties are understanding and there are proper safe guards in place to make sure nothing negative happens.

Mr. Ferlo:

I would like to make a friendly amendment that it be a cable cast Public

Hearing.

MS. MCDONALD seconded the motion.

Which motion prevailed.

Mr. Hertzberg:

Just final word. As far as organized labor I invite them into this process. This was never intended to impact on the jobs and I don't think it will have any impact whatsoever. But I want them to be comfortable with it and I think once they are fully informed they will be. Now motion to recommit.

MS. MCDONALD seconded the motion.

Which motion prevailed.

The Chair:

I believe again you put a lot of work into it and the newspaper task force is involved. Unfortunately they have come almost every Wednesday but we have not had an open process for a Public Hearing. I believe again budget time, holiday time maybe this was a tough situation.

So I believe by holding this we can resolve and get all the issues on the table. I believe the Public Hearing would be in the best interest of everyone. I want to thank Mr. Hertzberg for doing that.

The Chair:

Bills are now ready for final action.

Mr. Diven:

I will have one comment on an

unrelated piece of legislation. I would like to voice my thanks to Councilman Onorato for bringing forward the legislation to name the footbridge after Mr. Charles Lieberth. I think that was a great thing for the city. He has been a great figure in our city and it is a fitting tribute to someone who's made an impact in a number of people's lives.

Mr. Onorato:

For Charlie Lieberth, Charlie if you are listening, it gives me great pleasure to introduce this resolution. You have unanimous support on Council. What I will do colleagues is let you know when we have a formal unveiling which will be in a very short period. I would like to get as many of you there as possible. I will make sure that all the appropriate individuals that have been critical in Charlie's life and the lives that he has touched over the years to make sure that we have a proper dedication.

My office is also working to have a reception at the Sarah Heinz House right after the event so that we can have a little celebration following the ceremony. But I will keep all of you posted on the details for the time and date in the very near future.

The Chair:

I want to commend you on that and it certainly has the support of quite a few people I know on the North Side and very special tribute to a very special person.

Bills are now ready for final action. All in favor of the passage of the bills vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES **Nine** **NOES** **None**

Bills have received the legally required number of votes and have passed finally.

MR. ONORATO PRESENTED:

Bill No. 1110:

Report of the Committee on Zoning, Planning and Land Use for December 16, 1998 transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 952:

Resolution approving a Conditional Use exception under Section 993.01(a)A(33) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993 to Farmer's Market Associates for the authorization to construct a 4-story structure with 75 units of housing for the elderly at 401 West Commons Road with parking to accommodate 36 automobiles on property zoned "R5" Multiple Family

Residence District, 22nd Ward.—
(COUNCIL DISTRICT NO. 6)—
(HEARING HELD DECEMBER 1, 1998)

Which was read.

Also,

Bill No. 1050:

Resolution Amending Resolution
#221 approved April 15, 1997 entitled
"Amending Resolution No. 578, approved
July 31, 1996, entitled amending Resolution
#206, approved April 11, 1996, entitled
providing for implementation of a
Residential Parking Permit Program (RPPP)
Area "Y" in the Shadyside community
pursuant to Pittsburgh Code Chapter 549",
so as to amend streets included in Area "Y".
(COUNCIL DISTRICT No. 8)

Which was read.

Also,

Bill No. 1051:

Resolution amending Resolution
No. 743, effective December 2, 1997,
entitled "Resolution authorizing an
Agreement or Agreements with consultant
or consultants, vendor or vendors, and
providing for administrative/staff costs
related to the "Nine Mile Run Rivers
Conservation Plan", at a cost not to exceed
\$65,000.00", so as to increase the amount
authorized to \$269,500.00.

Which was read.

The Chair:

You have heard the reading and
title of the bills, any discussion on the

bills?

Mr. Ferlo:

Thank you, Mr. President. On the
issue of the proposed new baseball only
ballpark, I cannot vote for this bill the way
it is written today. I do not agree that we
will not adversely effect parking. I think
we do adversely effect parking.

It is my understanding that
something is supposed to be worked on or
may happen about replacement parking.
But I don't think it is fair for that parking
to be eliminated in the North Side without
some guarantee replacement parking as it
effects the economic viability of the
Allegheny Center. And, unless we amend
this and unfortunately with the haste of the
budget, I don't have a written amendment,
but I would strongly suggest that we add a
condition here, point F. I mean following
point F and make it point G that
significant portion of replacement parking
will be secured so as to not adversely
effect the operations of the Allegheny
Center.

MR. UDIN seconded the motion.

Which motion prevailed.

Mr. Ferlo:

That was easier than I thought it
would be.

Mr. Onorato:

On that amendment, the reason,
Mr. President, that was passed so easily is
because Councilman Udin and I whose
district, this hits both of our districts, that's
exactly what is being done. So I have no

problem with the amendment. I am in close contact with owners and operators of Allegheny Center.

It is now a major office complex, it is no longer retail and believe me their operations and because of the ownership control they have on certain parcels they have a lot of leverage and they are being properly treated and will be properly treated. It's a successful business complex that we want to make sure continues after this happens. So I am in full support of that amendment.

Mr. Ferlo:

I did not mean that Councilman Onorato or Councilman Udin are not seriously working or concerned about this issue, but it in the end I don't trust the administration when it comes to Kevin McClatchey. So, thank you.

The Chair:

At least you trust us. Any other amendments? Any other discussion? Bills are now ready for final action. All in favor of the passage of the bills vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen
Mr. Ferlo
Ms. McDonald
Mr. Udin

Mr. Diven
Mr. Hertzberg
Mr. Onorato
Mr. O'Connor
(Pres't)

(Mr. Ricciardi voted no on Bill 952)

Bills received the legally required number of votes and have passed finally.

MR. RICCIARDI PRESENTED:

Bill No. 1111:

Report of the Committee on Housing, Economic Development and Promotion for December 16, 1998, transmitting two resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 925:

Resolution approving the amended Redevelopment Proposal dated October, 1998 including Modification No. 7 to the Redevelopment Area Plan, for redevelopment activities in a portion of Resolution Area No. 12; Allegheny Center, in the 22nd Ward of the City of Pittsburgh. (PRESENTED BY MR. RICCIARDI & MR. HERTZBERG) - Hearing Held December 1, 1998) (COUNCIL DISTRICT No. 6)

Which was read.

Also,

Bill No. 926:

Resolution approving execution of a Contract for Disposition of Land by & Between the URA and Farmer's Market Housing Partnership LP or an entity to be formed for the sale of Parcel 1B in the 22nd Ward of the City of Pittsburgh in Redevelopment Area No. 12, Council

District No. 6 West Commons (Residential Construction). (PRESENTED BY MR. RICCIARDI & MR. HERTZBERG)

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Bills are now ready for final action. All in favor of the passage of the bills vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Udin	Mr. O'Connor

(Pres't)

(Mr. Ricciardi voted no on Bills 925 and 926.)

Bills have received the legally required number of votes and have passed finally.

MR. COHEN PRESENTED:

Bill No. 1112:

Report of the Committee on Lands, Buildings and Procurement for December 16, 1998, transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 1040:

Resolution providing for an Agreement or Agreements, or use of existing Agreements and/or a Contract or Contracts, or use of existing Contracts, and for the purchase of materials, supplies and equipment and/or services in connection with the Renovations and Maintenance of Various Public Buildings effected by storm damage; at a cost not to exceed \$90,000.00, chargeable to and payable from Disaster Assistance Trust Fund: 2423, Org. 213000, Subloss: Budget Year 1998 Department of Public Safety.

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Bills are now ready for final action. All those in favor of the passage of the bills vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor

(Pres't)

AYES Nine NOES None

Bills have received the legally required number of votes and have passed finally.

MS. MCDONALD PRESENTED:

Bill No. 1113:

Report of the Committee on Parks, Recreation and Youth Policy for December 16, 1998, transmitting two resolutions to Council.

Which was read, received, and filed.

With a negative recommendation.

Bill No. 1049:

Resolution establishing a schedule of fees for the Department of Parks and Recreation swimming pools program effective January 1, 1999 for the calendar year 1999.

Which was read.

Also, with an affirmative recommendation.

Bill No. 1080:

~~Resolution prohibiting the~~
imposition of fees for youth programs in
the Community Enrichment Program.
(SPONSORED BY MR.
HERTZBERG).

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Ms. McDonald:

It doesn't look as though the votes are there for this piece of legislation, but please be aware this is part of balancing the budget. If we do not vote for this, it leaves a \$300,000 short fall.

Now I have conferred with Scott Kunka our Budget Director to find out how we are going to come up with the money for this, we just voted on a budget and it needs to be balanced and this is part of the formula. He has indicated to me that the monies raised from the pool fees are placed in a trust fund, not in the general budget or the operational budget. Therefore, if it is a separate category all together we can hold this.

What I would like to do because it looks as though you all do not like this structure, I see no reason not to just table it and let the administration come forward with another piece of legislation next year. I am just getting quiet comments from our City Clerk. Fine, I want to make sure I am technically okay with this, but to table this.

Mr. Cohen:

~~You have to recommit it.~~

Mr. Hertzberg:

You can only table tomorrow.

Ms. McDonald:

Move to recommit this and it will be tabled.

Mr. Ferlo:

Objection. I think if the majority wants this defeated, I think we should just vote no now and send a clear message to the administration that they have to go back to the drawing board of this issue of charging fees.

I am not sure who is going to be here tomorrow in terms of the attendance, we had a five vote majority. I would prefer much more. I don't trust the administration on this issue. I am not saying Councilwoman McDonald, I trust her, but I would like to ask that we have everybody voting and present today and the best thing we can do is just to vote no.

Ms. McDonald:

Councilman Ferlo, the intent that I have is not to discuss it tomorrow. That technically if we have to recommit this for tomorrow it will only be so that we can legally table it. And, the administration is going to have to come back with some other way of dealing with the pools.

The Chair:

Your intention is to recommit and hold it?

Ms. McDonald:

My intention is to kill it and hold it, but we still have a problem.

Mr. Ferlo:

With all do respect to Councilwoman McDonald, there is a fundamental difference of a parliamentary procedure here and more importantly from

a legal procedure. If we have a final and legal vote now, and five vote majority votes no then there will not be fees -- period. If we table it, we still have the specter of fees for next year. Not George Specter, just specter of fees. I don't want to get George Specter involved in this.

The fact of the matter is, if we vote no now, it is kaput, we are still in the legal legislative session of Council, which extends into next year. So it is unequivocal, no -- period -- no fees. If we table it, then that gives the power of the administration to get his Christmas list out and obviously the Mayor has more power than I do on lobbying. I am going to have to respectfully vote no on tabling it for that reason.

Mr. Cohen:

In my view, anything other than passing this bill would be the wrong thing to do at the wrong time. Whether that be defeating it, tabling it, holding it or anything. I talked earlier about a structural deficit. If we were actually to do anything other than pass this bill, it would create not just a structural deficit but rather a one-year deficit, a 1999 deficit, a hole in the 1999 budget. I do not believe that the Finance Chair or anyone in the Finance Office has taken steps to fill that hole as far as I know. So for us to not pass these pool pass increases, which I happen to think are reasonably as much as I hate to do it, but I think that they are very reasonable, we would have yet another \$300,000 hole in the budget.

I mean at some point, we have got to stand up and say it takes money to run this city. And I don't think compared to any pools in the private sector, we are so

much lower than they are. These fees are incredibly minimal fees for us to just try to waive a magic wand or play Santa Claus here this morning, I think is irresponsible. So rather than debating whether we should be tabling or holding it, we should be debating whether we should actually go ahead and pass this bill because it's in the budget we just passed.

Mr. Ferlo:

No it's not.

Mr. Cohen:

I believe it is. If it is a trust fund or not a trust fund, it is still money that is used by the Parks Department to run this city. Trust fund or no trust fund.

The Chair:

Can I ask a question, Ms. McDonald? Is this for the increased fees or is that not in this?

Ms. McDonald:

It includes an increase, but this is to pass pool fees. And let me address what Councilman Cohen is saying. Dan, I am ready to vote. We have a problem. We cannot maintain pools with manna from heaven, it ain't coming. There is no manna coming from heaven, guys. We have got to find some monies to maintain our pools. Then you all are going to come back later and say oh, our pools look shabby. They're not maintained properly. Oh, just look at them, we don't have enough lifeguards. Where is the money?

You all voted away the money to maintain the pools. So you can't have your

cake and eat it too. That's what Councilman Cohen is basically saying. This is one of those hard decisions that is going to have to be made. It is not as though we are instituting new fees. This is not new. We have had fees for years. This is just a very mild increase in the fees to try to be able to maintain all 30 something of our pools. Otherwise, I think the discussion that will come around next year is either privatization, you don't want to hear that or we're going to close some of our pools. You don't want to hear that.

So what do you want to hear? You want to hear our pools being maintained. I am just urging if we are going to take a vote to think about being fiscally prudent at this time. It is a hard decision. I don't like them; I want free pools too. But I can't get the free pools right now. Maybe down along the road as our budget and our structural deficit that we are able to address that and get our budget back to where it should be. As we grow this city, maybe at that time we can grow gradually, reduce the fees or eliminate them, but this is not the time to do that.

The reason I had asked for it to be recommitted so it could be tabled is because we still are going to have a problem. I am being a realist here. It is not going to go away. We're going to have to find the money to maintain the pools. Now where is it going to come from? Where is it going to come from? That's why I wanted to revisit this next year, early in the year since we don't have to do it as part of our operating budget right now. But to revisit this and figure out how are we going to do it? If we want a serious debate on our pools, let's revisit it next year.

Now I am ready to vote it up or down. I am ready to vote aye, because I don't have a choice. I don't have a choice. I want my Homewood pool, I want my East Hills pool, I want every pool in my community to remain open. I want it to remain safe; I want it to be maintained. I want my kids in my community to swim. Therefore, if I have to institute a mild fee, I don't care. I want the majority of my constituents to be able to swim. I cannot look at them in the face and say well you know I don't think we should have fees but now we can't find the money to maintain the pools, so we have got to shut one of them down. I am not going to be one of those statistics next year as far as a pool being shut down. I am not going to be it.

So again I am ready to vote it up or down. If you want to do that, I don't think I even made a formal motion to recommit. But if I did, I will withdraw that and vote it up or down.

Mr. Onorato:

I was just going to say while I disagree -- while Councilman Ferlo and I disagree on the philosophy of a pool fee, I am 100% in agreement with Councilman Ferlo that the question should be called today. I think it is the right thing to do, I don't think it is a hard vote. I think it is the prudent thing to do.

You have pools, it is a nice option for our children, our fees are extremely low compared to even publicly financed pools in other municipalities around us. I am prepared to do it for the same reason Councilwoman McDonald just said, that I don't want any pools in my district to lose. I want a fee for them. I want them open and I think the luxury of having these

small pools throughout our neighborhood is a great option. I think the fees are very reasonable and think Councilman Udin and Councilwoman McDonald came up with a way to figure out how do we help some of the areas that might need some help in paying the fees, there are ways to do it.

There is corporate support out there, there is a way to raise the money. And I have done it on a smaller scale for certain groups in my district last year that came in at different times of the summer and they needed 100 passes at a time and I helped raise the money. So there are ways to do it and I think it is the fiscally right thing to do. I am prepared to vote today.

Mr. Udin:

Yes. I want to speak just for a moment to deflate some of the exaggeration that is describing the dilemma that this would present for the city. This total amount is less than one tenth of one percent of the budget. It is not going to wreck the budget. It is not going to close pools. It is not going to prevent children from swimming. I understand the forbear of my colleagues' arguments but the public might be misinformed if some of the exaggeration is taken literally.

The money for the swimming fees goes into a trust fund, it is not in the operating budget. Now there are monies from that trust fund as there are with many dozens of trust funds, which come back into the operating budget. But money can come back into the operating budget from many, many trust funds. This is not the only trust fund that money can come back into the operating budget to be able to fill

the hole.

So it is really just a question of what Council's policy is relative to charging a fee for swimming pools. It is not a budget wrecker and we need to vote it up or down.

The Chair:

Let me ask, if it's voted down or it's eliminated does that put the budget out of balance? Does it effect what we are doing today?

Ms. McDonald:

It will not. The problem is that there is going to need to be monies made available to get the pools up and operating next year.

Mr. Ferlo:

I have fought unsuccessfully for at least five years in opposition of these swimming pool fees. I resent them, I think they are counterproductive and they raise a lousy \$250,000.

Now I know the figure \$300,000 is used here. But if you add up the bureaucracy that it takes to collect the fees, including the purchase of the tags and everything else involved, you really net out maybe if you are lucky, if you are really lucky and it's real hot out, you might end with \$250,000 out of a budget of 330 million plus.

My main opposition to the fee is that it is everything backwards about the Parks Department, their philosophy on what we should be doing in this city. The swimming pools, 32 of them, three of

which are in my district should be used as a catalyst to attract young people to our parks, to work with those young people, to supervise them, to provide them some recreational opportunity in the city for at least a lousy two months out of the year. We don't do much more with the rec. centers.

We have massive structures in this city and that is what they are, they are big buildings. We have decimated the Parks Department, my hat is off to the staff of the Parks Department and to the volunteers in parks including a lot of parents that we couldn't even afford to pay for. We couldn't even match the dollar volume of parental volunteerism with little leagues and football leagues. If it wasn't for them we would be in a lot worse shape.

The staff has done a great job overworked, underpaid for many years in the Parks Department holding things together. Now some of us have made a philosophy policy statement because we are all uniformly as said in the next bill that we don't want to impose fees for community enrichment. Well there is a cost figure there. If I had the way, the impact in my district of the need to have the free pools versus community enrichment, I would rather start charging for community enrichment. If I had to make a choice in terms of impact and the number of kids effected and the burden, I would rather have fees on community enrichment. If you want to use that logic then to impose the fees and bureaucracy of the collection method for the imposition of swimming pool fees. Can't we be a little bit creative in this town?

First of all if we had a Parks Director, we'd be out there actively trying

to figure out how to raise money for these pools. I believe that we could find community and/or corporate and or philanthropic sponsors of some of these pools in not all of them. If you go by the \$250,000 figure. That would be a little over \$10,000 grant from corporations. I think I could find corporations if they could have some acknowledgement, something appropriate. I am not talking about flashing Coca Cola signs everywhere, but I think there is a way to find an appropriate way for a foundation or a trust or a wealthier benefactor to sponsor one of these pools each year. We have never really used community development block grant moneys.

I asked my colleagues in a vote on the pool fees to at least allow me for the three pools that I have in my district, let me try to reprioritize some of the community development block watch money. That's how strongly I feel about the need to use these pools as a way to have kids have a safe environment for the summer. I mean it is the cheapest form of childcare we have got in this city and it is a great opportunity to get young people at a park focal point and then work with them on other things. We have a totally backward philosophy. If some of my colleagues don't feel that this is a core of service and that is where I also part company.

As much as Public Safety and everything else, I totally believe that the parks and swimming pools as part of that is a very important part of the families living in this community. So I would ask for a vote today and I would ask that we vote no. That we look to corporate sponsorship, that we look to using some of the block grant money that has been

unprogrammed and unencumbered in the past years and that we pass some portion of the players tax next year to help put some money back into the parks department. So there is your money.

Mr. Diven:

Yes, sir. I am going to be voting no on this legislation today and the reason why I am voting no is I think it sends a message to our Parks Department to try and find alternatives to charging people a fee for a pool pass.

I think that there are some corporate or philanthropic sponsorships for these pools. But I think more importantly if you go to any municipal pool outside of the City of Pittsburgh including the county pools, all of these facilities have concession stands which are revenue producers, which help off set the money that it costs to run those pools.

I think our Parks Department needs to look into even going out with a request for proposals for people to come in and build and run concession stands adjacent to our pools which would offset the money that our residents have to pay to take advantage of those pools. I think until we start getting creative and until we start looking at trying to find other revenues that are prevalent in most other municipal pools throughout Allegheny County then we're doing a disservice to our residents.

I think a vote no on this resolution today sends a message to our Parks Department that they need to get out there and get proactive in trying to find other ways to pay for these pools without going back and adding a fee or fee for service to the average residents that carries the bulk

of the responsibility of paying taxes in the City of Pittsburgh. So that's the reason I am going to be voting no.

Mr. Hertzberg:

Thank you. As much as Mr. Ferlo feels that our pools should be free, I feel as strongly they should not be free. As coming from someone that spent probably the first 21 years of his life constantly at swimming pools, and working at swimming pools and getting kicked out of swimming pools when I was bad. We are going to give this thing for free, I think we are going to go have a great problem with disrespect towards the pools.

This is not a gigantic fee that is being charged. But I think it goes a little bit towards saying whether the people that use them will have a little bit of respect for the pools. I think when you give something away for free you get a situation what do I care it didn't cost me anything any way. I resent the kind of concept that says that these are some kind of form of childcare that only makes it worse. You're not supposed to send your kid, those lifeguards are not babysitters, they are there to save lives, that's what they're there for. These aren't childcare facilities, that is the whole concept.

I just philosophically view swimming pools in a different manner. And I think when we look towards why we may not have great attendance at our pools, it has nothing to do with the fees. All you have to do is simply look at where our people in your communities are going swimming in the summer when they have a choice, they are going to the wave pool in my area and they are paying more money than they pay in the city. But

they're going to the wave pool because of what they have there. We need to do some things with our pools. It doesn't include wiping out fees though. And they are also going to suburban pools that have some thrills and paying more money again.

So if we have to vote on this today I am going to vote yes, I think the increase is very reasonable but I am also in favor of recommitting. It is Councilwoman McDonald's prerogative. Either way, I think we would take a terrible step here if we are going to move ahead and say there is not going to be any fees to get into our swimming pools.

The Chair:

We want to call the question. You want to recommit.

Ms. McDonald:

I hear all the passions out there. The bottom line is and I will say it again, it's not that we haven't had fees before. These are very modest increases to maintain our pools. One way or the other someone is going to have to show us the money next year to keep our pools open and to maintain them. It is not like it is magical money. This is still money that has to be maintained or has to be generated, we are talking revenue generation, we are talking about new sources of money this is a source of money. This is a revenue stream we're talking about.

We were fussing about we don't want -- we want to increase this, we want to increase that, the occupational tax, I agree with Councilman Ferlo, we need to increase that, but this is a revenue stream.

We have to maintain this revenue stream to maintain our pools. We can come up with the money, but I think it is kind of late for that. If somebody really wanted to balance this out and find the money, then they should have come to this table prior. It is very irresponsible to do it now, very irresponsible.

I would prefer that as far as calling it whether we table, I would prefer to table. My first intuition, but you know, I am going along with what you all want to do, up or down. If it is voted down, it is really going to look irresponsible on our part. I would rather table it so that Parks and Rec. can come back to the table at a later time next year so we can honestly discuss our policy. Tabling it is just putting into purgatory for right now.

The Chair:

Recommit would be better than table, a table kills it.

Mr. Ferlo:

Vote it up or down.

MS. MCDONALD moved to recommit for tomorrow.

MR. HERTZBERG seconded the motion.

The Chair:

On the recommitment, roll call vote.

The ayes and noes were taken agreeably to law, and were as follows:

AYES:

Mr. Hertzberg

Ms. McDonald

NOES:

Mr. Cohen

Mr. Diven

Mr. Ferlo

Mr. Onorato

Mr. Ricciardi

Mr. Udin

Mr. O'Connor

(Pres't)

AYES Two **NOES** Seven

The Chair:

Getting back to the question, I have been here seven years. My first year I was talked into voting for this pool fee and therefore I am going to stick with Mr. Ferlo. I believe we always find the money for any big projects whether they be downtown or special interests all over this city. I certainly agree with Mr. Diven, what he said about whether we have food, whether we make our pools better. Every year I set at this table and I think there has been three or four members of City Council including myself head of Parks and Recreation we say the same thing let's make our pools better. We have the discussions I have seen some pools not many change. You can't take pop in there, you can't take pretzels. Certainly it isn't user friendly.

So I think by doing this we are sending a message, to recommit to the quality of life, we are always ready to grow the city. Let's grow our swimming pools, let's grow our kids.

I am voting with Mr. Ferlo on this issue and I hope some of my colleagues will recommit and reconsider. We can always find the money. I believe the ballplayer tax that's the first dollar should

go to the kids whether it be for community enrichment programs for the winter or swimming in the summer. I believe we can do a lot if we put our minds to it.

I realize the ones who are voting against it are looking at the dollars and cents issue, but I think this is one time I think we can find the money. And, I will give you two suggestions. One we have nine Council members and a Mayor if we find \$25,000 each that would be the 250. Or if we went out and adopted a pool, we have 33 swimming pools less than \$10,000 whether it be a company, a foundation, a business organization in our city. So \$10,000 a pool is nothing.

I think if they can't do it across the hall, I know we can do it. So I would urge you to support Mr. Ferlo on this and get our pools busy again until we have wave pools some day.

Roll call vote.

The ayes and noes were taken agreeably to law, and were as follows:

AYES:

Mr. Cohen	Mr. Hertzberg
Ms. McDonald	Mr. Onorato

NOES:

Mr. Diven	Mr. Ferlo
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES Four NOES Five

The Chair:

We can all go swimming this year.
Bill is defeated.

Now on 1080 roll call vote.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor
	(Pres't)

AYES Nine NOES None

Bills have received the legally required number of votes and have passed finally.

MR. DIVEN PRESENTED:

Bill No. 1114:

Report of the Committee on Public Safety Services for December 16, 1998, transmitting one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 990:

Resolution authorizing the Mayor and/or the Director of the Department of Public Safety to enter into an agreement with the Commonwealth of Pennsylvania, Department of Transportation for the receipt of grants funds under the State and Community Highway Safety Program. The Police Bureau has received \$99,573.00

from the State to expand our sobriety checkpoint program

Which was read.

The Chair:

You have heard the reading and title of the bills, any discussion on the bills?

Bills are now ready for final action. All in favor of the passage of the bills vote aye when your names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Diven	Mr. Hertzberg
Ms. McDonald	Mr. Onorato
	Mr. O'Connor
	(Pres't)

NOES:

Mr. Cohen	Mr. Ferlo
Mr. Ricciardi	Mr. Udin

AYES **Five** **NOES** **Four**

Bill has received the legally required number of votes and has passed finally.

MOTIONS AND RESOLUTIONS

Mr. Ricciardi:

I have 30 seconds if I can. Thank you. Colleagues, I need to run to an

important constituent meeting in South Oakland but I want to take this opportunity to thank our Finance Chair Mr. Sala Udin who I think did a great job in helping to pass two successful budgets, one in operating and one on the capital. Also his staff, Mr. Scott Kunka, Chuck Crawford, and Mary Jane Erdel. I really want to thank these four individuals. Thank you.

The Chair:

With that said I would like to add my thanks as President of Council and for all the members of this body. Also I have been here for seven budgets, I believe this was the smoothest, most cooperative. When we were faced with very, very challenging times and I know you started back in the summer. This just didn't start a month ago.

So I believe we all owe him a debt of thanks. Also I think not only from us but from the employees of this city and taxpayers of this city owe Mr. Udin a great debt of gratitude for what he's done and what we have done together including the administration to come up with a balanced budget. It is a tough task to do and he's done it.

With no further ado I would like to introduce Councilman Sala Udin.

Mr. Udin:

Thank you, Mr. President. I was going to speak to this personal issue from the table but I didn't want to miss the opportunity to address a concern that you have heard me address many times at the Council table having to do with the closing of the Aurora Club.

As a result of our inaction both with the state police, the district attorney's office, the city police department, a young man was shot and killed outside of that club this weekend, and it was a needless death. I am calling on all of my colleagues to give me what help you can and calling on all the official authorities to shut down this club before another death occurs at that site.

I will be in touch with each of you to get your input and I have been in touch with the state police office, the district attorney's office, the Mayor's office, and I have pledged that if they don't shut this place down, the community will shut it down. I will be in front. We will shut it down if they don't. Thank you.

Relative to the budget. First of all, I want to express my deepest appreciation to some people who work hard in the background to make all of our offices function, the staff in the Council offices and in particular in my office staff persons Darlene Gainey, Ebony McKinney and Audra Mellix.

Also throughout the year in working to make the budget possible was the office, the Council's budget office staff. Mr. Kurt Salac came over I mean Mr. Scott Kunka came from across the hall to replace Kurt Salac late in the year. Many of us were concerned whether or not he would be able to hit the ground running and right in time for this budget. But he made us ask Kurt who?

Thank you, Scott, for all of the hours and work and expertise that you had. And working with Scott always is Chuck Crawford and Mary Jane Erdel to make him look good. Thank you all.

In the City Clerk's Office, I don't know where Council would be without the City Clerk and her fine staff. I want to acknowledge our City Clerk Linda Johnson-Wasler and Deputy City Clerk John Mascio, also the Clerk's Assistant Marleen Grace. The staff in the front office Mary Beth Doheny, Ginny Kist, Latisha Taylor, Jake Wheatley and Carmen Pace. Also out on sick leave is Carroll Conway. Stenotype Reporters Bridget Akyea and Kathy Brown and the receptionist Kim Clark and a special thanks to our Sargent at Arms Victoria Moheny. Thank you very much for your work.

I think it's also appropriate that we acknowledge work of the department directors who work extremely hard throughout the year and take a lot of abuse when they come to Council table. But they are dedicated and professional and smart and hard working people and along with the entire city work force I would like to take the opportunity to thank them for all the work that they do throughout the year.

The budget that we have passed is a budget that is \$1.3 million less than the budget that was received initially by Council from the Mayor's Office. We have balanced the budget without a garbage fee or garbage tax. We have also balanced the budget without any new taxes. We have also restored the safety net programs and the Hunger Trust Programs and Food Banks and we have heard the pleas from the people who work in those agencies describing to us the difficult job they have of feeding the poor and the hungry.

Also in that regard I want to thank

some people, some citizens who stand out year in and year out advocating for that population. People like John Golden, Joan Rebinovitz (phonetic), Aggie Brose, thank you very much for all the work that you do on behalf of the people who often times cannot speak for themselves.

The budget also includes a special program to increase employment of city residents. It will be operating out of the Mayor's Office, a welfare to work program. It includes a fund that Council will be using to assure neighborhood development. Sometimes we are criticized justly so in paying too much attention to big projects and downtown. Now we have afforded ourselves the opportunity to influence neighborhood economic development and each Council office will be doing that. And last year we balanced the budget by not filling vacancies and we saw some of the negative results of not filling those vacancies especially in Public Works. This year we have the assurance of the administration that they will be filling those vacancies that were left unfilled last year.

Finally, let me say that this budget is a larger budget than last year. It's larger because many of the collective bargaining agreements and increases kicked in for 1999 that didn't exist in 1998. So it's a larger budget by \$18 million. It was much easier to structurally balance the budget last year than it was this year. But certain colleagues have pointed out correctly that it's a structurally imperfect budget. Arguably perhaps between two and five percent structurally out of balance.

I am working with the administration, with business community, with the academic community, with

colleagues to have a dialogue and an examination of the City's tax structure to determine what kind of tax reforms can be initiated in the state legislature. We have heard the discussion today about the real estate tax, the business privilege tax, the occupation tax that deprives the city of the needed resources. It is also going to be necessary, colleagues, for us to perhaps propose some amendments to Act 111 that facilitates the continued eating away of the City's budget by the arbitration process.

So we have got a lot of work to do in building the kind of regional coalitions with the elected official and other leaders throughout the region to develop a strategy in the state legislature that reforms the taxes coming into the city that is that works to the advantage of the people of the city. But we cannot stand aside and just criticize the administration for what the administration has not done in structurally balancing the budget. Because once the administration brings its budget to Council it's in our hands and we have the legislative authority and power to structurally balance the budget. If we take a powder on it that's our responsibility, we have to come into next year and with the determination to structurally balance this budget regardless of what we get from the Mayor's Office. That is our obligation to the taxpayers and we ought to take up that obligation next year and I hope we will.

Finally, just let me say that I want to thank the constituents of District Six for giving me the immense honor and pleasure to represent them here on Council and, thank all of you, Council colleagues. I think this is one of the best City Council's this city has seen in a very long time. You are all very smart, very hard working, very dedicated and it has been my pleasure to

work with you throughout year. Thank you, Mr. President.

The Chair:

Thank you, Mr. Udin. Not only District Six but we're very fortunate to have you as a colleague. Anything else under motions and resolutions? I would like to wish everybody a Merry Christmas.

Motion to approve the minutes.

MR. HERTZBERG moved to approve the minutes.

MR. UDIN seconded the motion.

Which motion prevailed.

MR. HERTZBERG moved to adjourn the meeting.

MR. UDIN seconded the motion.

And on the motion made by Mr. Hertzberg, the meeting adjourned.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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December 29, 1998

No. 50

Municipal Record

ONE-HUNDRED THIRTIETH COUNCIL

BOB O'CONNOR.....President
LINDA M. JOHNSON-WASLER.... City Clerk
JOHN R. MASCIO.....Deputy City Clerk

Pittsburgh, PA
Tuesday, December 29, 1998

PRESENT:

Mr. Cohen	Mr. Onorato
Mr. Diven	Mr. Ricciardi
Mr. Ferlo	Mr. Udin
Ms. McDonald	Mr. O'Connor (Pres't)

ABSENT:

Mr. Hertzberg

The Chair:

Will you all please rise for the pledge of allegiance and remain standing for a moment of silent prayer for peace and hope throughout the world.

We have two young energetic fellows, Alex and Kevin Recktenwald. They are with their father Ralph who

serves in Councilman Hertzberg's office. Alex is four and Kevin is two.

Alex Recktenwald:

I pledge allegiance to the flag of the United States of America and to the republic, for which it stands one nation under God indivisible with liberty and justice for all.

The Chair:

We have a gift for you guys.

We will now move to presentation of papers.

PRESENTATION OF PAPERS

MR. RICCIARDI PRESENTED:

No. 1115 Resolution Authorizing a cooperation agreement or agreements with the Urban Redevelopment Authority of Pittsburgh, the County of Allegheny and the Pittsburgh City School District providing for the financing, monitoring, implementing and terminating of the East Liberty - Home Depot, USA Tax Incremental Financing District. (Council District No. 9)

No. 1116 Resolution Adopting a Tax Increment Financing Plan presented by the Urban Redevelopment Authority of Pittsburgh creating the East Liberty - Home Depot, USA Tax Increment

Financing District, and making certain findings. (Council District No. 9)

The Chair:

We will now move to unfinished business. Is there any unfinished business to come in front of Council?

UNFINISHED BUSINESS

Mr. Ferlo:

I am not sure what the status is of the bill which by majority vote, I decided, I think appropriately, not to support the imposition of continuing let alone a raise of the swimming pool fees. I would strongly suggest and I would like to volunteer to be on a committee or task force that you would convene hopefully with the Chairwomen, Councilwoman McDonald, from the Parks Department and we put together a collaborative with the administration and discuss the ideas that we all projected.

Councilman Onorato raised this issue about advertising income that possibly be generated from the swimming pools and/or the parks community appropriate advertising. Others have talked about income that we could receive from concessionaires and other fundraising and/or corporate sponsors and there is a whole list of ideas. But I think it will be appropriate for us to meet early in January and talk about that. I am certainly willing to spend my time to show that I think we can generate the appropriate amount of income rather than have the continuation of the fees that we have now voted out.

I would ask that you please consider possibly forming a committee

that we can work with the administration.

The Chair:

I believe we should meet. I certainly agree with the idea with Councilwoman McDonald, we can meet after this meeting and set a committee and who would be on it.

Mr. Ferlo:

Thank you.

The Chair:

That is very appropriate because we want to keep those pools open and thriving.

Any more unfinished business?
Move to Reports of Committees.

REPORTS OF COMMITTEES

Mr. Cohen:

Before the City Clerk reads those bills, if I could make a motion to make the effective date December 31, 1998 on all legislation passed today.

MR. FERLO seconded the motion.

Which motion prevailed.

MR. UDIN PRESENTED:

Bill No. 1117:

Report of the Committee on Finance and Budget for December 22, 1998, transmitting sundry of resolutions to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 1086:

Resolution providing for a warrant in favor of Titus & McConomy in the amount of Four Thousand Four Hundred and Fourteen Dollars and Thirty-two Cents (\$4,414.32) in payment for actual costs incidental to Contract 37384 for professional services, furnished for the benefit of the city without previous authority of law, chargeable to and payable from Account 522900, Fund 1000, Organization 999900, Subclass 150, Budget Year 1998, in the Citizen Police Review Board.

Which was read.

Also,

Bill No. 1087:

Resolution providing for a warrant in favor of COMPUSA in an amount not to exceed Eleven Thousand Seven Hundred and Thirty-four Dollars and Eighteen Cents (\$11,734.18) for the purchase of computers necessary for the startup of the Citizen Police Review Board, without previous authority of law, chargeable to and payable from Account 525500, Fund 1000, Organization 999900, Subclass 150, Budget Year 1997, in the Citizen Police Review Board.

Which was read.

Also,

Bill No. 1088:

Resolution providing for a warrant in favor of American Legal Publishing Corporation in payment for professional services for the Pittsburgh Code, at a cost not to exceed \$3,724.00, chargeable to and payable from Account 525500, Misc. Services, Budget Year 1998, Office of the City Clerk.

Which was read.

Also,

Bill No. 1089:

Resolution authorizing the transfer of \$79,000.00 from within the Citizen Police Review Board spent salaries, Acct. 511000, Fund 1000, Budget Year 1998 to Citizen Police Review Board Acct. 525500, Fund 1000, Budget Year 1998.

Which was read.

Also,

Bill No. 1090:

Resolution providing for the transfer of \$5,000 from fund 1000, account 560500, sub-class 140 Rentals Organization Code 109000, to Fund 1000, Account 5643000, Sub-Class 030, Education & Training, Organization 109000, Department of Personnel and Civil Service Commission.

Which was read.

Also,

Bill No. 1091:

Resolution amending Resolution #472 of 1998, effective August 26, 1998,

entitled "Resolution providing for a professional services agreement or agreements with KPMG Peat Marwick, LLP for the performance of the City's Financial Statement including Single Audit, Cost Allocation Study, and Regional Asset District Award Audit for the years ending December 31, 1997 through December 31, 1999, at a total cost not to exceed Five Hundred Sixty-Four Thousand Forty Dollars (\$564,740.00) over three years" so as to eliminate the performance of Disaster Cost Recovery Services from the scope of services and to decrease the authorized amount from Five Hundred Ninety-Four Thousand Seven Hundred Forty Dollars (\$594,740) to Five Hundred Sixty-Four Thousand Forty Dollars (\$564,740).

Which was read.

Also,

Bill No. 1092:

Resolution providing for an Agreement or Agreements with a Court Reporter or Court Reporters in connection with the taking of testimony at Civil Service Commission and Appeals Board hearings. Said Agreement or Agreements shall not exceed Two Thousand Dollars (\$2,000.00), and are chargeable and payable from Account #526100 Miscellaneous Services (Miscellaneous Professional Services). Fund 1000, Sub Class 150, Organization Code 109000, Department of Personnel and Civil Service Commission.

Which was read.

Also,

Bill No. 1093:

Resolution providing for an Agreement or Agreements with a Consultant or Consultants for professional services in connection with the research, evaluation, validation, preparation, administration, scoring, and interpretation of Civil Service examinations. Said Agreement or Agreements shall not exceed Fifty Thousand Dollars (\$50,000.00), and are chargeable and payable from Account #526100 (Miscellaneous Services). Fund 1000, Sub Class 150, Organization Code 109000, Department of Personnel and Civil Service Commission.

Which was read.

Also,

Bill No. 1094:

Resolution providing for an Agreement or Agreements with various hospitals and/or physicians for professional services in connection with the administration and evaluation of medical examinations & tests for the Civil Service Commission's Medical Examination program for uniformed and other employees and candidates for employment and promotion. Said Agreement or Agreements shall not exceed Fifty-five Thousand Dollars (\$55,000.00), and are chargeable and payable from Code Account #526100 (Miscellaneous Services). Fund 1000, Sub Class 150, Organization 109000, Department of Personnel and Civil Service Commission.

Which was read.

Also,

Bill No. 1095:

Resolution an Agreement or Agreements with a medical facility or facilities and a laboratory or laboratories for professional services in connection with the administration and evaluation of federally mandated and bargaining unit specified employee and applicant drug testing and for payment of the cost thereof. Said Agreement or Agreements shall not exceed Forty Thousand Dollars (\$40,000.00), and are chargeable and payable from Code Account 526100, Miscellaneous Services, Fund 1000, Sub Class 150, Organization Code 109000, Department of Personnel and Civil Service Commission.

Which was read.

Also,

Bill No. 1096:

Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

(A) 1603 Wicklines Lane, 24th Ward, Block 47M, Lot 227, being sold to Troy Hill Citizens, Inc., 2 sty. fra. Ins. Brk. hse. Situated on a lot containing an area of 2,199 sq. ft., \$1,000.00. Intended Use: Demolish house for new development. Purchasers will apply for a building permit upon receipt of title. (Council District 1).

(B) 1621 Wicklines Lane, 24th Ward, Block 47M, Lot 238, being sold to Troy Hill Citizens, Inc., vacant lot containing an area of 6,029 sq. ft., \$600.00. Intended Use: Future development. (Council District 1).

Which was read.

Also,

Bill No. 1105:

Resolution providing for the issuance of a Warrant in favor of Annie Pettway, P.O. Box 99614, Pittsburgh, PA 15233, at a cost not to exceed \$4,100.00, as payment for professional services rendered to Councilwoman Valerie McDonald, District 9, for the benefit of the residents of the City of Pittsburgh from July to December. Chargeable to and payable from Code Account 511000, Salaries, Sub Class 010, Organization 101190, Budget Year 1998. (SPONSORED BY MS. MCDONALD).

Which was read.

Also,

Bill No. 1085:

Resolution Contingently exempting taxes within a specific geographic area in the City of Pittsburgh designated as a proposed Keystone Opportunity Zone in order to foster economic opportunities, stimulate industrial, commercial, residential improvements and prevent physical and infrastructure deterioration within areas of the City of Pittsburgh, Commonwealth of Pennsylvania. (PRESENTED BY MR. UDIN AND MR. FERLO).

Which was read.

Also,

Bill No. 1119:

The Mayor is hereby authorized to issue and the City Controller to countersign a warrant in favor of Jeffrey Morrison, at a cost not to exceed \$11,000.00, as payment for professional services rendered to Councilman Sala Udin, District, 6, for the benefit of the residents of the City of Pittsburgh from July to December. Chargeable to and payable from Code Account 511000, Salaries, Sub Class 010, Organization 101190, Budget Year 1998.

Which was read.

The Chair:

You have heard the reading and title of the bills, is there any discussion on the bills?

Mr. Ferlo:

Thank you, Mr. President. I think it would be appropriate for us to table the first bill, which was the Keystone Opportunity Zone Resolution, which yourself with majority of colleagues including myself amended this past week. But prior to tabling though I thought it was appropriate to at least allow some discussion, if I could, Mr. President.

I think we can all share some blame in not taking or ceasing the opportunity that was presented to us by state legislature and the governor when they passed and created the so-called

Keystone Opportunity Zone.

Unfortunately the debacle that unfolded, all energy and focus was solely on the LTV site and solely on the LTV on the presumption that we are automatically going to agree to support financially the development of the Sun Coke Works. I think it was a mistake and a problem and something that we should try to learn from.

I don't want to blame the administration but I had hoped that the administration and I think it goes back to the point I raised several months ago about the absence of Mr. Leeper in particular from the administration. I think we should have been appraised early as elected Council members of what the status of the Keystone Opportunity Zone was. It wasn't until about two and a half weeks ago from state representatives from D.C.A. or whatever it is called now in the Department of Community Economic Development, where I first learned out about it through an informal meeting in the conference room.

At that point, my mind started clicking about different areas around the city that would likely be a great opportunity and really meet the means test of a Keystone Opportunity Zone. Unfortunately no one really did any homework. It was almost like a few people maybe quietly to themselves myopically focused on the LTV site and may or may not have presumed that it was for the explicit development of the Sun Coke Works. If they did, that is kind of news to us. I believe they are kind of separate issues. I can see why opponents of the Coke Works tied the two together and I respect their views.

I favored very strongly the creation of the Keystone Opportunity Zone for the former LTV works and a corridor of the Flowers and Second Avenue and business district. I think that was a step in the right direction. Unfortunately because of the advocacy legitimate or otherwise of the opponents to the Coke Works, the whole Keystone Opportunity Zone kind of got unwounded in the last week and a half.

The School Board I think was involved, I think there was extreme politics there with the left over of a president vote for the School Board. I don't know that people were actually voting on the merits of the zone and/or the economic development discussion they should have had. I really sense that it was kind of residual politics from the bad feelings of the presidency vote of the School Board.

I can't criticize in any way opponents of the Coke Works they have this legitimate view, unfortunately we never got to have a Public Hearing of those views. They say they have legitimate concerns about environmental issues I was looking forward for an opportunity to learn more about that to review it, to debate it, to have some public discourse on it. But the hour is too late now. If the deadline is the 31st, it doesn't seem as though the state legislature or the governor is inclined to delay that deadline.

So I think we need to table the bill today. I think as a friendly suggestion, I still think we should communicate to the state legislature and the governor our desire to have a Keystone Opportunity Zone. Maybe they can reconsider and extend the deadline to March and we can go back to the drawing board and have

some discussion and try to separate out the LTV Coke Works issue from the actual creation of the merits of the Keystone Opportunity Zone.

I also thought that the Lincoln Larimer corridor could have been considered. That is something that left Councilwoman McDonald very little time to even react to or even to think about. Other colleagues. Mr. Hertzberg who sits on the URA Board had suggested a couple business districts I think in West End and Elliott area. Councilman Onorato, Mr. Udin, I think everyone around the table had different ideas in addition to the controversial issue of the LTV Coke Works.

But all is for not at this point. We have to table the bill, I think. But I would hope that if we do have an opportunity to bring it back, we bring it back. And, if we do bring it back, we have some unified coordinated participatory way for the community to be involved in the debate and the discussion. If it does come to the point where we have both the zone and Sun Coke Works on the plate, on our table, that we give it some serious critique and review. We involve some people with some level of expertise on the environmental issues because I still believe I can have meaningful manufacturing jobs and a multiplying effect on the jobs in the economy in Pittsburgh and still fight for clean air and quality living communities. Thank you.

Mr. Udin:

I want to speak in support of tabling the motion. But it also, I think, points out, Mr. President, some problems that I think we discussed among ourselves.

I know that I have brought forward from time to time relative to the need for Council to have its own somewhat interdependent but yet independent agenda, goals and objectives and time lines, things that we think are important rather than simply waiting for legislation to be initiated by the administration.

There is a separate responsibility it seems to me that Council has to create and enact its own agenda. With that regard, I think that Council was wise in seeing the need for us to pursue our ability to have some lobbying presence in Harrisburg. But I look forward to us in the new year acting as a team, acting more independently and pursuing the things that we believe are important.

Secondly, I think that it also points out the need for us, both the administration and Council, to look at whether or not we need to take full advantage of resource development opportunities that may exist in the state government, in the federal government, in private sector. There are cities that generate a considerable amount of their revenue from writing proposals, from grantsmanship, from staying on top of every possible dollar that can come into the city and right a proposal in a timely way and securing those funds.

This came to us as Mr. Ferlo indicated at the very last minute. We really didn't have the opportunity to do the kind of research and proposal writing that we would have needed to do to get such a grant. But we needed to be doing that throughout the year. I am not saying that we don't maximize, but I question whether or not we do. I think that is something we need to look into next year.

Mr. Cohen:

Thank you, Mr. President. I agree with both of my colleagues in terms of the lack of information that we had pertaining to this vote. That's the reason I abstained. I just could not support it in its current form given that there was no information from the administration or anybody else that at least I received with respect to why it was necessary to forgive all taxes for 12 years for this particular entity or if not for this entity for any future entity. And more over, the environmental concerns I think were not addressed.

But that a side, I think that the experience with the Keystone Opportunity Zone sheds light on yet another issue and that is we need to have a better communication with the School Board and also with the County Commissioners. On most issues we view the School Board as being separate because obviously they oversee the school district and we oversee really the rest of the functions of the city. But when it comes to tax increment financing, Keystone Opportunity Zones, other economic development tools we really need to be working together.

I would hope that in '99 we begin to try to have a better dialogue with the School Board. Mr. President, I know you have tried that it's not easy because it takes two to tango, but I think that we need to try to have better communication with them. I don't know what the School Board was thinking and they don't know what we were thinking when it came to the Keystone Opportunity Zone. There were no combined meetings.

A couple of years ago there was an attempt at having a regular dialogue with

the School Board. That was marginally successful, but it fell through. One thing I would urge all of us including myself to do is to try to have better communication with the School Board and with the County Commissioners next year.

Ms. McDonald:

I appreciate all the comments. Again, I think that the problem is we didn't have enough information. The one thing that surprised me when I did read over what the Keystone Opportunity Zone is about, it is not just about waving real estate taxes for 12 years. We're talking all taxes. All taxes. Zero revenue coming into any municipality.

In lieu of what I read I at least can understand what the School Board was thinking. They're getting zero. A lot of these tax increment-financing packages and whatever, they are the ones that are hurt the worst. They have absolutely no benefit. The city would receive some type of benefit in the long run, but the School Board would receive none because they are only allowed to collect a portion of the wage tax and the real estate taxes. There is no other tax. Parking, mercantile, business privilege, you name it that would come to the City of Pittsburgh. So in the long run they would receive nothing.

I agree that the problem is we did not have enough information to make an informed decision. And number two, we did not talk to the School Board. A lot of times we say we don't have enough dialogue. I think that we often times have to initiate, if it is definitely going to be an economic impact that's going to benefit the city more than them, then its incumbent upon us to approach them and lobby for

the vote. I am sorry that it ended up this way.

Again, I would have to defer to Council President Bob O'Connor who represents that district as to what does that community need? Would they need a Keystone Opportunity Zone?

I was prepared to vote, but in lieu of the lack of information we're going to have to table and I do support the motion to table when it does come. I would say in the future we do have to get busy and understand what this is all about and we do need a larger communication tower between this Council body and the administration, because we would have at least been on the same page.

Mr. Diven:

Yes, sir. I was prepared to vote for this legislation but I think that a lot of the points that the colleagues here today make are correct. I did have the opportunity to meet with the Mayor's Office about a month ago, and they had the opportunity to explain to me all the details of the Keystone Opportunity Zones. I think it is important for people to understand the powerful tool that would have been presented to Hazelwood if this would have gone through. This was designed as a catalyst to put development in on brown field sites and sites that are considered either cost prohibitive or nearly undevelopable by giving such a big benefit to whoever put the time in and the money in to develop it.

That's what we were trying to do I think in the spirit behind designating that site was taking a brown field site that might sit dormant for 20 or 30 years,

because the cost to go out to clear an acre or two in the suburbs or along the corridor to the airport is substantially less than going in and doing all the background remediation of all the waste and the things that are in the soil from years of heavy industrial usage. So this was supposed to be a catalyst that would make that site more attractive for a developer to come in, put the amount of money that it would take to bring that back in, and hopefully over a 12 year period they would be able to balance out the cost too that they had to put up to do that land versus what the return on that investment is.

I think that it's a good tool for that sort of use. I think when we start to talk about doing it in neighborhood business districts or we start talking about doing it in areas that are already revenue producing for the city and property tax and job creation, then we're actually using the wrong tool for the wrong job. But I think it's also important that we point out here today that even if we would vote on this legislation and even if we would support this legislation, it's dead because it has not received the support from the School Board or the County Commissioners.

So I think we have taken a proactive role as Council and gotten out in front about doing some major economic development in the City of Pittsburgh and for whatever reason lack of information, the administration not having their act together and getting out and working with these people and informing them, whatever reason happened we were the only ones prepared to make a commitment to this. And as a result, without the other two partners in this deal, even if we wanted to do this, we couldn't do it because legally you have to have the

commitment of the School Board and the county as well.

So it is an opportunity I hope that by working as Council together we can go on and get an extension on this because I think this can have a tremendous impact for the city on especially the brown field reuses of sites in the City of Pittsburgh.

The Chair:

I agree with almost everything said. This is a blown opportunity. The KOZ zone is a great opportunity; it is copied from the state of Michigan. My office, we have studied this. It is a great opportunity but it can't be brought in front of Council, in front of the School Board and in front of a community with two weeks to go. That was the main problem with it.

Certainly the people of Hazelwood would have wanted it not only for the mill site, but the Second Avenue corridor which has not really developed. I believe the city has ignored it for 20, 30 years. And also as Mr. Ferlo mentioned whether it be Lincoln Larimer, West End there were branches of opportunity here.

There is some good news. I was speaking to Harrisburg yesterday, they feel it will not be extending this but you will be able to reinvest, reapply for next year. So there is that possibility. So it isn't dead yet. We would have time to look at it to really benefit the whole city and areas that really need it.

So that's one positive. The other is in addressing your question. I have a meeting with the new President of the School Board tomorrow morning. I

believe next year will be a year that we will bring people together so this doesn't happen again. You can say it started in Harrisburg, actually they didn't pass this legislation until the middle of October, so by the time it came to the city, you didn't have time to have the community meetings. Even if everybody is on board, where do you draw the lines, who gets it? Who doesn't? So there is a lot of work to be done on this and the timing was just terrible. In some cases I understand some communities have been working since June with Harrisburg on this, we haven't. So it is again a botched effort on the city's part.

Getting back to Mr. Udin's comment, I think we have to be more proactive and more aggressive in targeting what we want to do and get behind it. Whether it be swimming pool issues, we have to start these committees. I just think we can't wait to take the lead across the hall. So, that will be a discussion for hopefully next week's meeting when we start the New Year on a much more positive note.

Mr. Ferlo:

I don't want to belabor this point, but the other issue and the jury is still out on this whole issue of the actual Coke Works. Viewing it from the opponents point of view that the two are tied together, I think we made a big tactical mistake in not moving ahead to at least create the Keystone Opportunity Zone. For those of us who believe strongly that we can have manufacturing in this city Sun's Coke Works, we know that we need a tremendous amount of capitalization and investment. Money that quite frankly we don't have.

When we look around the city especially outside the downtown corridor you see what we have been doing. We have been building a number of buildings along development sites like Second Avenue that have been some high tech jobs. They have not been jobs that in the main have generated income and livelihood for most of our residents; many of them have actually displaced working professionals within the university community off the main campus to another location.

I am not saying I am against it, I am only saying we look at the actual multiplying effect of having impact on the creation of jobs and income. If we are going to have manufacturing, we know it is a higher level of cost for infrastructure, for plant capitalization and that would have been the idea opportunity. The Keystone Opportunity Zone would have been the idea arsenal in our economic development weaponry as Councilman Diven points out. We have lost that opportunity whether you are setting aside the Coke Works issue. I think we made a bad tactical mistake in trying in terms of growing the city, which we can no longer do unabated which is TIF's, and URA development fund dollars and the like.

I think we really need to still be reflective on this and maybe have a meeting directly with the Mayor and the administration at the table in January and kind of refocus in on what our economic development arena is. When I look at some of the buildings that are going up, I don't want to criticize Southside Works but that has to be the ugliest building I ever saw in the City of Pittsburgh. Is this building built by the Rubinoff Company for I guess a UPMC building? Graffiti

alone could improve the looks of that building. But when you look inside it hasn't really created a lot of jobs, you know you have the University of Pittsburgh now talking about a couple of football fields over there. I don't know how many jobs that's going to actually create.

So the Keystone Zone has missed an opportunity to create some meaningful jobs that at least the residents that I represent would have had a shot at getting.

The Chair:

Well there is enough blame to go around and I won't just go into the coke plant. But Sun Oil Company was building it and LTV, not the union, the two companies have been asleep for three months. In fact, they came to my office after something came out in the paper. So where have they been? Their excuse was they haven't shaken hands and made a deal yet.

You see there are two properties here. Maybe they were just baiting everybody until they waited and got a free lunch here.

Mr. Ferlo:

Just on that point, Mr. President, other than your trip to Vansant, Virginia, which I considered a great learning experience, I have had not one written verbal face to face conversation with any representative or Coke Oven Works people. I have had no conversation with anybody.

There were union people here at a public meeting that prevailed upon

Council on the issue and I expressed some shared concern with their like. I mean why this company hired a Neanderthal to lobby for them, I am totally perplexed by that. I can't understand that move.

The Chair:

I can compare it to Nine-Mile Run where we want to build 700 new homes. It's taking almost three years to work with a community on all the environmental issues and they are trying to do something in two weeks. Actually I sympathize with the steelworkers, because they were kind of handed the ball, here go work it out where the companies have been asleep.

So with that said, there is a motion to table.

MR. FERLO moved to table.

MS. MCDONALD seconded the motion.

Which motion prevailed.

The Chair:

Bills are now ready for final action. All in favor of the passage of the bills vote aye when their names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken accordingly to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Ms. McDonald
Mr. Ricciardi	Mr. Udin
	Mr. O'Connor

(Pres't)

(Mr. Onorato voted no on Bills 1093, 1094, 1095)

Bills have received the legally required number of votes and have passed finally.

MS. MCDONALD PRESENTED:

Bill No. 1118:

Report of the Committee on Parks, Recreation and Youth Policy, for December 22, 1998, transmitting one resolution to Council.

Which was read, received, and filed.

Also, with an affirmative recommendation.

Bill No. 1106:

Resolution providing for the transfer of the aggregate amount of \$10,164.90 from various codes to Salaries, Regular Employees, Account 511000, Fund 1000, Organization 510000, Subclass 010, Year 1998.

Which was read.

The Chair:

You have heard the reading and title of the bills, is there any discussion on the bills?

Bills are now ready for final action. All in favor of the passage of the bills vote aye when their names are called; all those opposed vote no.

Clerk, please call the roll.

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen	Mr. Diven
Mr. Ferlo	Ms. McDonald
Mr. Onorato	Mr. Ricciardi
Mr. Udin	Mr. O'Connor

(Pres't)

AYES Eight NOES None

Bill has received the legally required number of votes and has passed finally.

The Chair:

Under motions and resolutions.

MOTIONS AND RESOLUTIONS

Mr. Onorato:

Mr. President, maybe this week you can do a courtesy call on behalf of Council to the police department and have the detective branch look for the two bills that I have been looking for, for three months. One dealing with the garden up in Brighton Heights, and the other one dealing with the Lockhurst Street Property. Somehow it seems they got lost in the city bureaucracy and no one can find it. If the URA or Finance or the Law Department has any idea before we send the detective branch in to look for it, I would appreciate it.

I have been promised three times that it would be in front of Council over the last four months. I think next week I am going to start posting the days like they used to do on Night Line. I think it is day

232 that the bills have been missing. If anyone finds it, please call Councilman Onorato's Office at 255- 2135.

Councilman Udin, if you are prepared, I am prepared to start holding the bills in my committee that deal with anything that comes out of these departments until they find it. I think there might be a bigger story here than we can imagine if we can't locate bills within the City of Pittsburgh.

Mr. Udin:

On a different subject. First of all, I want to thank colleagues for your support in my efforts to get the Aurora Club closed. Also, I want to publicly thank Judge Robert Gallo for coming from his Christmas vacation to hold a motion hearing to give us a chance to make a case and in his wisdom in deciding to at least temporarily and over the holidays close the club.

We will be going into court on January 5th in an effort to permanently close the club or revoke the license of this public nuisance. So I thank everyone for your support.

One other piece I wanted to mention, Mr. President. I am leaving this meeting to go to a funeral of a Deron Grimmit. He's the young man who was shot by a Pittsburgh police officer in the early morning hours of December 21.

Deron Grimmit is one of the sons of Mrs. Betty Grimmit who was a long time next door neighbor of mine and I watched her children grow up. She has a lot of children. Some of them are fine upstanding citizens. Others get into

trouble from time to time. One of them was shot and killed. It turns out that the shooter was apparently somehow involved in this police chase, Officer Cooperstein apparently.

There are so many questions surrounding this case that have I think a lot of implications for Council's legislative prerogative. It made me question what our chase procedure is? Do we know enough about our chase procedures? Many cities have updated their chase procedures recently and their chase procedures are a very complex thing. Our question is whether or not our chase procedure has in it sufficient details to give all of the officers enough information as to know how to conduct a chase? And when a chase is called off what the obligations and responsibilities of police officers are relative to that chase?

It raises a question as to whether or not a roadblock was set up at the corner of Second and Ross Street and what our policy is relative to roadblocks? Because roadblocks are connected to police chases sometimes. There is question at least in my mind whether or not Officer Cooperstein had set up some kind of roadblock at that intersection where he claims that his life was in imminent danger and that is the reason why he shot.

Therefore, it also raises the question of what our shooting policy is? When do we shoot as police officers? Do we shoot just because someone is fleeing because they are a suspect or do we only fire our weapon when the police officer himself or some citizen is in imminent danger? Those are some very serious questions.

Other questions were raised in newspaper accounts following the shooting. One for example raises the questions that Officer Cooperstein before he came to Pittsburgh was apparently according to newspaper reports one of two suspects of some cocaine theft from an evidence locker in Colorado. In addition to that, the officer I believe according to those reports sued the police department in Colorado for exposing the fact that he had a cocaine addiction. The question that it raises for me is questions relative to our own standards in how we conduct background checks of people who are applying to become members of the police force here in Pittsburgh? Did we do a background check on Officer Cooperstein and were we aware of the situation in Colorado that was reported in the newspapers?

It raises the question about this so-called blue knight whose been such a strident critic of Chief McNeilly and certainly a critic of myself and the consent decree and the review board, etc. I often wondered how this person must have found a way to avoid sleeping with the amount of information that this so-called blue knight writes on the Internet, it is volumes. But now it seems to make sense to me that perhaps the blue knight is not just one person, perhaps the blue knight is several persons. Perhaps the blue knight is an organization. I wonder whether or not a kind of right wing organization has formed within the city's police department and if it has whether or not that represents a violation of police procedures?

I am calling for an Executive Session with the City Solicitor and the Chief of Police. I hope you will facilitate such an Executive Session where we might

address not so much the detail of the case because that is currently being investigated, but that Council might review with the Solicitor and with the Chief of Police what our policy is relative to chases, to road blocks, to shootings, to background checks, to whether or not there is a kind of organized right wing cell which has infiltrated the city police department? These are questions that are policy questions that are brought to the floor by this situation and I hope that as soon as the year begins, we can initiate an Executive Session.

Finally, I would just like to extend my condolences to the Grimmit family. I would hope that Council would share in that condolence expression, but more than just a condolence. I feel compelled to extend an apology to the family for having to bury their son on this gray and cloudy day. A 32 year old young man because I am a part of a city system that is responsible for the oversight, that of the police department that took her son's life. Thank you.

Mr. Ferlo:

Thank you, Mr. President. Not knowing any of the facts, I am going to refrain from any comments, but I do share many of the concerns Councilman Udin has just raised very eloquently.

I think it is appropriate that we have an Executive Session right after the first of the year with the chief and the Solicitor and I think the Mayor also. There are a number of issues that obviously Councilman Udin has raised but there are at least three investigations that I know of that are going on presently including two by both FBI and county

police. I think it would be appropriate for us to receive all of that information and have a formal executive meeting with the chief and the appropriate individuals.

The Chair:

I certainly agree.

Mr. Cohen:

I also want to express my shock at the incident that occurred and to share many of Councilman Udin's concerns. We do have a responsibility it seems to be two fold when it comes to this incident. One is to insure that it is thoroughly investigated and that investigation reaches a conclusion that if there were violations of the law on either side of those, the violators be prosecuted.

And secondly, from a policy perspective as Councilman Udin raised to thoroughly examine our policy with respect to chases and with respect to discharge of firearms and to insure that those policies are enforced in the future. Thank you.

Ms. McDonald:

Yes. I am not going to read the letter. I have already sent a condolence letter to the Grimmit family with a statement that this incident will be a focus point on the agenda that I will set next year. It still grates upon me to hear that someone was shot because they were in a chase.

I have already stated publicly, I have a problem with police chases in the City of Pittsburgh. I have a problem with police chases period. Because as I look

and I think if a police car is chasing another car let's look at this logistically. If they are chasing another car, the only way that they can catch them because they don't have teeth like an animal, they don't have paws, they don't have claws, there is nothing, nothing on a police car to catch another car. The only way they can catch a car is for the driver to crash and that means possibly loss of life, innocent life; something is going to happen that's going to be bad. That's the only way they can catch them is someone is going to go wreck or someone is going to run out of gas.

Therefore, I am looking at that it is a tool that needs to be there for the police and in talking to a number of police officers about police chases, they mandate commonsense when you use it, but it is a tool that they need. They have to have it but I do want to also review the policy and to see if there can be some tightening up of that policy. Because again, sometimes they end like this and what did we gain by this? I tell you what we gained, we gained the fact that we have a police officer that is going to be investigated, that's all.

So again, I look forward to whatever meeting. I only caution Council President O'Connor though that if we do have a meeting, I don't believe that we can meet in Executive Session to discuss over all policy because of the Sunshine Act. We can discuss this case because it is legal, but if we do discuss policy and we do want to do it in privacy, then you are going to have to clear that with the Solicitor because I am not sure legally we can do it or not. Maybe there is a way because of the substance of what we are talking about.

I would just ask that you clear that because I have said before time and time again we do have to abide by the Sunshine Act even with very touchy situations as much to discuss.

The Chair:

I will certainly look into both questions. Mr. Udin raises many, many questions. Some can be held behind closed doors, some can't. Ironically I remember during budget time our discussions as far as police chases and roadblocks. We got lukewarm answers. So there was a lot to be desired out there. I believe that the last chase unfortunately a youngster was run over in the North Side through that type of thing. And within a city and I really look at California when you have these 20, 30-mile chases on highways. I mean they are so fortunate they don't wipe out a family, an innocent family coming in the other direction or parked some where.

So all of these things have to be addressed. There are training issues, hiring issues. If this is true what we read in the paper how was it overlooked? You know it is bad enough we were hiring people from out of this state to begin with, but at least they were supposed to be upsnotch with a lot of experience whatever the reasons were at the time. So these are questions I believe we owe to ourselves and any future incident and certainly to the young man who is being laid to rest today. So I will certainly address those issues with all of you as soon as possible.

Mr. Ferlo:

Mr. President, we need to end this meeting on a lighter note.

Mr. President, I know the hour is getting late and we want to bring this meeting to a close, some of you may be feeling the last thing we need is more of Ferlo's pros. So, please allow me one brief moment to thank all my colleagues eight, who throughout this year have once again shown their leadership, skill and gait.

When he isn't blocking patrons in the bar room door, Finance Chairman Udin again played magictry balancing a budget that we do not dare expose for all its gadgetry.

Mr. Hertzberg came on strong as always with blunt and painful tries, as the swimming pool fees came tumbling down before his very eyes.

My good friend Gene from the shores of the south gave Mulu and Big Tom little hope. Do they think they would ever get his vote for messing up his slopes?

Now Valerie with sweet charm and grace made it clear and known to all that our police would have to be thinner, and brighter; accreditation or you fall.

I better be careful with the colleague to my right he is Councilman Big Guy Mike and he looks like he can fight. But I shouldn't have to worry as much as the big banks do when he takes away their ATM fees, pin stripe lures will be lining up to sue.

Mr. Cohen took his usual stance with intellectual good manner. We cannot buy the world an ice cream cone became his familiar phantom.

Councilman Onorato, Mr. North

Side fame, has been my foe and friend alike, running for Controller of this big old County hopefully for Christmas he got at least one shoe called Nike.

Bob O'Connor known here as President, sir. Together with his residents standing tall fought back not Christmas coal, but Coke Works and put the opponent's backs up against the wall.

In closing, Ferlo favorite line, I wish my constituents, staff, and colleagues all a greeting of the seasons and a Happy New Year, but please just remember try not to be too late because the Ferlo Holiday Party begins tonight at eight. Thank you.

The Chair:

We do want to address, I think the address is 2800 Smallman Street to the Ferlo party tonight. All are invited.

Mr. Cohen:

I ask that that be entered into the record.

The Chair:

I want to thank everybody for a very tough, tough year, a lot of hard work. And wish everyone and your families a Happy New Year. I hope you take the weekend and enjoy and relax. It is a long weekend, so enjoy it with your families and we will come back real strong next Tuesday. I guess the fourth or fifth of January for our next Council meeting and starting a New Year. But thank you all for all your hard work.

I need a motion --

Mr. Ferlo:

Did the Mayor sign the budget yet?

The Chair:

That is a good question. Did the Mayor sign the budget yet?

Mr. Ferlo:

Are we meeting New Year's Eve?

Mr. Udin:

We have \$300,000 to discuss.

The Chair:

Motion to approve the minutes.

MR. FERLO moved to approve the minutes.

MR. UDIN seconded the motion.

Which motion prevailed.

MR. UDIN moved to excuse the absent member.

MR. FERLO seconded the motion.

Which motion prevailed.

MR. UDIN moved to adjourn the meeting.

MR. FERLO seconded the motion.

And on the motion made by Mr. Udin, the meeting adjourned.